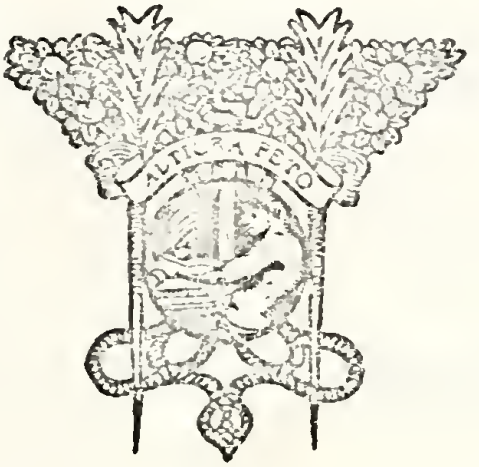
GENEALOGY COLLECTION

ALLEN COUNTY PUBLIC LIBRARY
3 1833 01753 6555

GENEALOGY
973.006
AM352?
1908,
PT.1

AMERICAN HISTORICAL MAGAZINE



VOLUME III

January, 1908—November, 1908

The Americana Society
154 East 23d Street
New York

X 696166

COPYRIGHT
THE AMERICANA SOCIETY
1908

16650

INDEX

VOL. III

JANUARY, 1908—NOVEMBER, 1908

Ballads of American Revolution, Loyalist. Don. E. Mowry 251
Book of Bruce. Lyman Horace Weeks..... 50, 158, 263, 389, 494, 597
Book of Mormon, Origin of the. Brigham H. Roberts 414, 441, 551
Broadside, An Early Massachusetts..... 293

Civil War, A Dark Period of Our. Duane Mowry.... 525
Court Opinions, The Question of Equally Divided. Correspondence contributed by Duane Mowry.... 289

Diary of An Officer in the Indian Country in 1794. Ernest Cruikshank 639
Douglas, Lincoln, and the Nebraska Bill. Albert Watkins 221, 358

Forsyth, The Honorable Matthew. Viscount de Fronsac 1

Hancock, (John) on John Adams..... 532
Heraldry, Origin and Antiquity of. Illustrated. Henry Whittemore 33, 205, 315, 425, 535, 645
Historical Societies 493
Hvittramanna-Land, The Tradition of. L. D. Scisco 379, 515

Judiciary, Political and Party Aspects of the National. Don Ensminger Mowry.....83, 331, 471

Kenton, A Tradition of Simon. Ewing Beman..... 309

Lincoln, (Abraham) A Pictorial Life of...15, 141, 250, 357
Lincoln in 1857 16
Lincoln in 1860 26

Mormonism and Intoxicants. Theodore Schroeder.237, 415

Newspapers, Early Massachusetts. Lyman Horace Weeks 111
New York, An Old Street of. James V. Enton. Illustrated 68

Plate, The Stolen. T. J. Chapman..... 27
Point Pleasant, Heroes of the Battle of. Delia A. McCulloch 624
Political Cartoon of 1860, A..... 32
Post Revolution Letters 17, 142
Printing in New York in the Seventeenth Century. Illustrated. Charles R. Hildeburn..... 297
Putnam, (Rufus) to General Washington. Mary D. Steele 107

Representative Americans 48

Silk Industry in America, Origin and Development of the. Henry Whittemore 78, 153
Slavery, A History of. Mrs. C. F. McLean..378, 470, 580

War Question in Wisconsin. F. C. Winkler.....98, 186
Washington's Army in Lowantica Valley. Andrew M. Sherman 581
Washington Society, Social Amenities of. Corra Bacon-Foster 619

ILLUSTRATIONS.

Opposite Page

American Magazine, 1743, Fac-Simile of the Title Page of the 120

Boston News-Letter, April 24, 1704, Fac-Simile of the First Page of the First Issue of the..... 130

Bradford (William) Title Page..... 296

Bradford (William) Title Page..... 305

Bruce—

- Brecknock Castle 68
- Bruce Castle 494
- Bruce Coats of Arms.....53, 389, 597
- Chateau d'Adam, Ruined Emplacement of..... 158
- Christina Bruce, Countess of Devonshire..... 395
- Earls of Orkney Palace, Ruins of..... 175
- Gisburn Priory, Ruins of..... 185
- Kildrummie Castle 399
- King Robert II..... 409
- King Robert III..... 413
- Lady Sarah Bruce..... 508
- Portrait of King Robert Bruce..... 263
- Portrait of Thomas, Earl of Elgin..... 268
- Rait Castle 514
- Rosyth Castle 404
- Stewart Castle 609
- Sir Edward Bruce..... 283
- Tomb of Margery, Queen of Scotland..... 504
- Tomb of Robert Bruce, The Competitor..... 500
- Tomb of Sir George Bruce of Carnock..... 273

Choate, Joseph H..... 49

Jay, Portrait of Chief Justice John. Frontispiece.... 1

Lincoln—

- Lincoln-Butler Cartoon 470
- Cartoon 580
- Lincoln in 1857..... 16
- Lincoln in 1860..... 26
- Lincoln-Johnson Cartoon 357
- Political Cartoon of 1860..... 32
- Political Cartoon of the Presidential Campaign of 1860 196
- Portrait. Frontispiece.....111, 221, 331, 441, 551
- Portrait.....141, 250
- Slavery Cartoon 235

Madison, Portrait of the Wife of President James.... 619
Mather, Portrait of the Reverend Increase..... 293
New York and Its Environs, 1733, Popples Plan of.. 469
New York Weekly Journal, 1733, Fac Simile Page of The 356
Presidential Manion in Washington in 1838..... 585
Roosevelt, President Theodore..... 48
Yrujo, Portrait of Madame Casa de..... 625

$3.00 A Year

JANUARY, 1903

No. 1

American Historical Magazine

Illustrated



The Americana Society
36 East Twenty-Third Street
New York

An Historical Digest of the Provincial Press

Compiled and Edited under the direction of

LYMAN HORACE WEEKS

Author of "Prominent Families of New York," "Book of Bruce," Etc.

AND

EDWIN M. BACON

Author of "Historic Pilgrimages in New England," "The Connecticut River and the Valley of the Connecticut," Etc.

This work which is now in preparation is a Collation of all Items of Personal and Historic Reference Printed in the Newspapers of the Provincial Period, from the appearance of "The Present State of the New-English Affairs," 1689, "Publick Occurrences," 1690, and the first issue of "The Boston News-Letter," 1704, ending with the Close of the Revolution, 1783. It will be illustrated with Portraits and Reproductions of many of the Newspapers of the period.

The Massachusetts series will consist of 20 volumes of about 500 pages each.

The work is endorsed by Librarians, Librarians and Scholars as one of the most important historical compilations ever undertaken in the United States.

Hon. Henry Cabot Lodge, United States Senator, member of the Massachusetts Historical Society; "Anyway most desirable historical material and I am sure it will be well and thoroughly done by you and Mr. Bacon."

Charles Francis Adams, Boston; "I find it full of matter. Wishing you all the possible success in your scheme."

Woodrow Wilson, LL. D., President Princeton University; "The project commends itself to me very thoroughly."

Samuel Swett Green, Librarian, Free Public Library, Worcester, Mass; "The interest and value of such a work is at once evident to me and I shall be truly grateful to see it undertaken."

Henry H. Edes, Boston; president of the Council of the Colonial Society of Massachusetts; "Your comprehensive plan for an Historical Digest of the Provincial Press is a desirable, if faithfully carried out in the lines of your prospectus without abridgment, the work cannot fail to be of great value to historical students and investigators."

Wilmerforce Eames, Lenox Librarian, the New York Public Library; "A great undertaking in itself, and one that deserves the support and encouragement of all who are interested in American history. If the publication of your work is fully and carefully carried out to the end in accordance with your announcement it will render a service of the highest importance to historical students."

Herbert L. Osgood, Ph. D., Professor of History, Columbia University; "I approve most heartily of your plan to print a Digest of the Colonial and Revolutionary newspapers."

Victor Hugo Paltsits, State Librarian, Albany, New York; "I am greatly interested in your herculean plan for the publication of an Historical Digest of the Provincial Press, which deserves, I believe, every encouragement towards its prosecution."

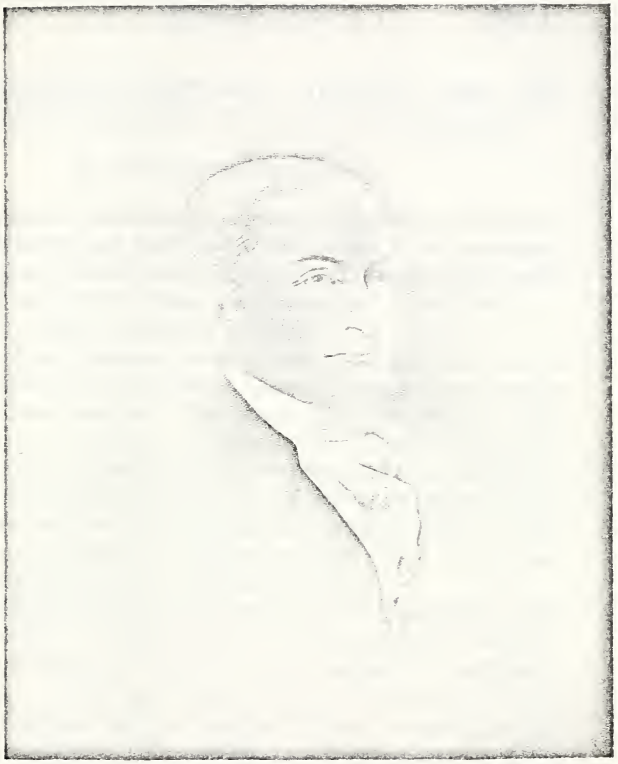
Henry Greenleaf Pearson, Professor of History, Institute of Technology, Boston; "I am fully sensible of the importance of the work that you have undertaken, and I wish to give it my hearty recommendation."

Advance subscriptions are now being received. For full particulars address,

THE SOCIETY AMERICANA

ROOM 1025 SIX BEACON STREET

BOSTON, MASS.



John Jay

AMERICAN HISTORICAL MAGAZINE

VOL. 3 JANUARY 1908 NO. 1

THE HONORABLE MATTHEW FORSYTH [1699—1791] AND THE SCOTTISH INFLUENCE IN AMERICA.

BY THE VISCOUNT DE FRONSAC.

IN this age of democracy, chicane, and money-values, it is with relief that the historic eye ranges to the provincial, royal and feudal epoch of American history when wealth —of no-matter whom—has secondary consideration to merit, honor, and purity of race.

Now one of the foremost races of Europe at this time was the Scottish, whose basic principle is Gothic in the Franco-Norman origin of its chief families. The Stuart kings, themselves of this race, had given a charter to thirteen of the American provinces, beginning with Nova Scotia. It is true that a company of Saxons had settled in certain parts of the Lowlands of Scotland, but these Saxons were of small account in the civilization of Scotland, and from an ethnic standpoint have ever been deemed hostile to the character of the Scottish people.

When the first Scottish colony came to New Hampshire about 1719 and settled in Londonderry, it was sufficiently large to insure a continuation of purity of blood among its families by intermarriage. From that time up to 1776 parties great and small from Scotland and the North of Ireland occupied various localities, especially in Hillsborough and Rockingham Counties. The hostility of the Saxon or English puritan population already in New England against this noble race, whom they designated as "foreign", has been recorded in numerous town histories, provincial annals, genealogies, and biographies.

Cochran's "History of Antrim, N. H.," says that at Worcester: "In proportion as they (the Scots) flourished their English Congregational neighbors became jealous of them, called them foreigners, Irish, and so on". . . They destroyed the Scottish Kirk edifice, and as a result of other persecutions the colony

left Massachusetts and settled in Cherry Valley, in the feudal colony of New York.

"They had petitioned the General Court of Massachusetts for a charter of encorporation, but had been refused. New Hampshire, however, granted them the Londonderry encorporation in June, 1722. * * * The Indians respected the Scots, who treated them justly in their dealings, and the Scots were rarely molested by them, although on the outskirts, while they carried knife and fire among the more remote English Congregationalists, whom they could not respect. * * * In this, the Indians showed themselves less inimical than the puritan Anglo-Saxons, who took every opportunity to alienate into enemies the Scottish colonists. Even the New Hampshire Court called them a 'company of Irish' in spite of the indignant remonstrance of their chief, Mr. MacGregor. * * * They were obstructed in obtaining titles to their lands—certain influential men attempting to supplant them by securing grants of land in advance of them to keep them out".

Some of this colony, with accessions from the north and west of Scotland, settled in Chester, N. H., as early as 1732 and from that date up to the war for American Independence in 1776. Some had resided for a longer or shorter period in the north of Ireland, and although not partizans of William of Orange, had been obliged to fight to maintain their lives and faith on the same side, when politically they were opposed to the unconstitutional regime which had called him over—to that gang of traitors and deserters of whom Marlborough and Sunderland were typical examples. The partizans of William of Orange knew that many of these Scots despised them as dishonorable men and for this reason were especially severe, through their parliament of England, on the Scots who abided for a time in the north of Ireland. It was on account of these repeated persecutions from the Orange adherents that they sold their possessions and crossed the sea, determined to fight any attempt to follow them into the New World.

The chief of this Scottish colony of Chester was the Honorable Matthew Forsyth. His own life illustrates that of the Scottish chieftains in the north of Ireland. Although born in County

*Introduction to Cochran's "History of Antrim, N. H.", pp. XXIII and XYIV.

Ayr, Scotland, in 1699, owing to possessions of his father's family in the north of Ireland, and the interests of relatives who had settled there from Scotland, his childhood and early manhood were passed on the Emerald Isle. His father, Captain James Forsyth, who had married Margery, daughter of Major Hugh Montgomerie of County Ayr (who had been one of the "signers for the king" in 1660) was in Ireland in 1689-90, where he participated, with other Scottish settlers, in resisting the religious fury of the Catholic Celtic Irish, who sided with King James only to exterminate the Protestants in Ireland, and not from any love for the Cause of the legitimate succession and constitution which King James represented in his person. In fighting against these native Irish Catholics for self-preservation, Captain James Forsyth and others like him were accredited for this stand with favoring the cause of William of Orange. The truth is, that the Scottish leaders in Ireland soon made known the nature of their former fight—that it was for self-preservation, and not for William and his gang; that the honor of most of them turned their faces to the legitimate and constitutional succession. Nor was it long after this before the English, or Williamite parliament, vented its wrath on the Scots of Ulster by devising all kinds of vexatious statutes against them until little by little they were forced out of the country to America. But that they carried vengeance in their hearts was illustrated afterwards at Bunker Hill and Bennington and Saratoga.

The Honorable Matthew Forsyth married, in Ireland, Esther Graham, daughter of Robert Graham, by his wife, Janet Hume, of Castle Hume, representing the Humes, baronets of Nova Scotia, and the Scottish Humes, earls of Marchmont. Robert Graham's family was related to what has become the modern family of Graham of Drumgoon, Maguiresbridge, County Fermanagh, Ireland, but claimed descent more intimately from the Grahams, earls of Stratherne, in Scotland. Robert Graham and the Honorable Matthew Forsyth came together to Chester, N. H., in 1732. Graham, who had lost a great deal in the wars of the North, commenced in Chester a forge and foundry for iron-repairing of all kinds, especially of muskets, pistols, and swords

—he having been bred to the use of arms and understanding their construction.

Forsyth, however, did not remain longer than to secure his new property, but returned to bring over his family. This was a difficult task, for members of his family had been connected with the Earl of Marr's uprising for the Stuarts in 1715-17, and a watch was kept by the usurpation in England for the partizans of the ill-fated legitimacy; but in 1742 he was able to bring them all over in safety together with most of their possessions and valuable family plate, stamped with the shield and cypher of the family.

In Chester, he invested by buying three mills, known as the saw-mill, the grist-mill, and the Worthen-mill. His wealth, education, and accomplishments, with his feudal ancestry, placed him ot once in the lead in all matters representing the rights and privileges of the colony. These Scots had established the Presbyterian parish in Chester, and Forsyth represented their remonstrants many times, according to the local records, before the New Hampshire Government. "Chase's History of Chester" also says that he occupied the pulpit of the church during the absence of the minister, being the leading deacon thereof. His wife, as well, performed a great deal of charity work in the parish by assisting the sick and poor—for the family was looked to generally as the strongest and surest patron of the little colony.

But other dangers of a military nature were threatening. It has been seen that these Scottish colonies of New Hampshire were on the outskirts and nearer the French border of Canada. The Indians, who had been treated with honesty and justice in land-purchases and other transactions by the Scots, were friendly to them even when in arms against the dishonest and hypocritical, Puritan English of New England. But the French, who were beginning to show new signs of military unrest farther north were not likely to be influenced to so great a discrimination. At this point the Honorable Matthew Forsyth exerted himself for the common good. It was the representations of the Reverend Mr. McGregor of the Londonderry colony, who had

been in the country since 1719 and knew more of the situation, that convinced him and others of the danger menacing.

Forsyth was heir to the Seigneurie of Fronsac in the New Brunswick part of Acadia through the death of his relative there in 1732, with his wife and children, by an epidemic. Nicolas Denys, Seigneur de Fronsac, was this relative's name, and he was the son of Richard, the Governor of Gaspasie and grand-son of Nicholas, the Governor of Acadia, 1654-1669, who had written the first "History of North America" in the French language, published in Paris in 1672. To Nicolas Denys had been conceded the seigneurie, or feudal lordship, of Fronsac in Acadia in 1687 in consideration of his relinquishing his claims on Cape Breton to the crown of France. The name Fronsac he chose for his feudal lordship from the name of the district and viscounty wherein had been built (on the tertre, or hill, of Fronsac) the castle of Forsyth, or Forsath, by Charlemagne, king of the Franes, in 786. The fief of this Frankish castle, which was the royal strong-hold of the district, was confided to the hereditary rulership of one of the family of Charlemange, who gave birth to the first lords of Forsath, viscounts de Fronsac. In Froissart's "Chronicles of the Middle Ages" this castle of Forsath de Fronsac is mentioned, situated in Aquitaine, twenty miles above Bordeaux on the river Dordogne.

Not only this proof of descent of the Forsyths from the Emperor Charlemagne is had in the name Forsath-Fronsac, but again it appears in the first of the family arms recorded in Scotland. In Stoddart's "Scottish Arms," under the entry Forsyth, it will be seen that the family bore as arms in 1488; argent, a fesse gules, charged with three lozenges, or, between three crosses-crosslett, vert. Now in the history of ancient Fronsac, in France, it seems that the Frankish family of Angouleme had intermarried with the Forsaths in so intimate a way that both the families were involved in a struggle for the possession of the fief. In the XI century the castle of Forsath was destroyed. It was then, in 1030, that the count of Angouleme possessed one third of the property in right of his wife, who was a daughter of Grimouard de Forsath, viscount de

Fronsac, by his wife, Marie de Montenac, while Grimouard's mother was an heiress as well of the family of Angouleme. The shield of Angouleme is described as lozenge, or and gules, and the banner of Charlemagne, given in the book "Les Drapeaux de France" contains three rows of crosses-crosslett and two rows of roses. The shield of the Forsyths, then, as given in Stoddart's "Scottish Arms," is further evidence of descent from the early lords of the castle and of the original counts of Angouleme, through the last of the family, the cadet de Forsath, who accompanied Eleanor of Provence to England in 1224 when she became the wife of King Henry, and this cadet's son, William de Frisaith, was one of the feudal lords of County Peebles, in Scotland, who signed in acknowledgement of his lordship, the Ragman Roll of Scotland in 1296.

Descended from this William de Frisaith—by Robert whose son Osbert de Forsyth fought at Bannockburn for the Independence of Scotland, and whose son Robert was constable of the first military district of Scotland,—that of Stirling castle in 1368—was David Forsyth, baron of Dykes, claimant of the de Fronsac title in 1594. His eldest child, a daughter, married Captain Johan Denys, the Norman, of Honfleur, whose grandfather a captain Jehan Denys, had visited the St. Lawrence as early as 1506 when he made a chart of the gulf. This husband of Margaret Forsyth was a cousin also of Jacques Denys, sieur de la Thibaudiere of Tours France, who was a captaine of the King's Royal Guard and father of Nicolas Denys, Governor of Acadia, before referred to. Nicolas Denys married Marguerite de LaFaye, of a Norman family of Tours and their daughter Marguerite married in 1652 at Honfleur[1] Captain James Forsyth, great-grand-father of the Honorable Matthew Forsyth, the subject of this sketch. Nicolas Denys, former Governor of Acadia had a brother Simon Denys who was seigneur de la Trinite, and Bonaventure in Canada, had been a captain in the celebrated Carignan Regiment and was receiver-general of the Company of New France in Canada. His posterity, who

1Burke's "Colonial Gentry", Vol. 2, under entry of Forsyth of Montreal. It was Farguerite Forsyth, daughter of this Captain James Forsyth who married Walter Morsyth, Provost of Glasgow College.

were high in authority at this time in Canada and were relatives of Matthew Forsyth, served as intermediaries by which the latter, who in his own right was seigneur de Fronsac in Canada could obtain recognition of neutrality between the Scottish colonies of New Hampshire and the French in Canada.

From this time down to 1763, when Canada passed as a fief from the crown of France to the united crowns of Scotland, England, and Ireland, no hostile bands of French and Indians disturbed the Scots on their way to carry fire and sword against the puritan Yankees farther on. Reciprocally, no armed force from the Scottish colonists of Chester threatened either French or Indians during the same period. More than one historian attests the truth of this, but none so decidedly as Cochran in his "History of Antrim" although there he gives all the credit to Mr. McGregor, without pausing to consider how absurd would have been McGregor's appeal before the Catholic and Foreign French without the intervention of Matthew Forsyth, a seigneur of Canada in his own right, and related to the Franco-Norman leaders of that province.

After 1763 the atrocities perpetrated by the English and their Anglo-American allies on the French and Indians in Canada, which country now had passed to the British crown, caused retaliation by the Indians in which even the Scottish settlements suffered. At this period William Forsyth, son of Matthew Forsyth, served in the Colonial ranks, later as ensign, and was wounded and captured by the Indians. He was taken to the Indian camp in Canada, where in 1765 he obtained the chance of escape. He was then but a young man of twenty-five having been born in 1740. It is hardly probable that anything beyond some such menace as this would have caused families nursing memories of English wrongs to have taken arms under the regime then existing, which they considered a usurpation.

This usurpation in Britain from the Orange dynasty had been confirmed to the Hanoverian, in new and revolting atrocities against the legitimist Scottish cavaliers who had marched with Prince Charlie in 1745 and had been disbanded for lack of means to sustain their heroic stand after the desperate battle of Colloden—a battle won by the English by overwhelming

numbers and whose victory they disgraced by the murder of the wounded and the subsequent sale into slavery of those who were captured, who had been in arms, or who had even favored the cause of their own king and country. These things were known in Chester and in other Scottish colonies by the advent of some escaped participants in the heroic cause of legitimacy, and many an eye flashed as glances were cast from time to time at the ancient swords, pistols, and muskets arranged in their corners of the family room, or crossed over the mantle The time was not far distant when those same arms were to be taken down in the same cause on this side of the Atlantic and against the same usurpation in Britain.

The charters of all the American provinces, with the exception of those of Canada, Acadia, and Louisiana, had been granted by the Stuart, or Scottish dynasty of Britain, and each charter made each province a fief of the crown in which parliament had no constituency. The provinces as fiefs of the crown, were self-governing, the king being a factor in the executive affairs of each, aided by a local council of the leaders, or chieftains of the established families, while legislation in conjunction with the king, represented by his governors and this council of the local landed, or feudal aristocracy, was the function of a provincial assembly chosen by the free-holders of the provinces. The parliament of the English people that, by revolution instead of by constitutional means, had overthrown the Stuart dynasty in Britain and had established on the throne the illegal rulership of the House of Hanover; that had destroyed the land-tenure system of Scotland and ruined thousands who were driven beyond the seas to America; that had worried the Scots of Ulster into the same exile because they were not pliant to servile parliamentary demands, now turned on the provincial charters of America to eradicate this last bulwark to its usurpations and what might be a menace to its own supremacy at home.

The proceedings of this parliament through its imposed and impersonating House of Hanover against the rights, as feudal fiefs, of the American provinces are well known. The petitions and remonstrances of the provinces were set aside. In the

words of that noble Scot of Virginia, the Honorable Patrick Henry, nephew of Robertson, the historian:

"Our petitions have been slighted, our remonstrances have produced additional violence and insult, and we have been spurned with contempt from the foot of the throne."

The thought of that condition armed the minds of the proud and brave with resolution and steeled their hearts against their former connection with a degenerate and polluted empire. The various leaders of the provinces, who were not the satellites, hangers-on, and bounty-fed employes of the English regime in the Colonies, organized everywhere. Committees of Public Safety were formed to devise means of preserving their former rights, liberties, and privileges, which were assured them in the possession of their Stuart or Scottish charters. In this they were not revolutionists, but were protesting against the revolution which had unseated the Stuart monarchs in Britain being extended to America to unseat the charters which had been granted by that dynasty as the basis of constitutional government in America.

Matthew Forsyth was chosen President of the Chester Committee of Public Safety and brought his tried energies into play to organize the means of resisting by force the employment of force against the provinces in his locality. Not only was he instrumental in the perfect organization of the Chester company of the first New Hampshire regiment that marched under Colonel Stark, another gallant Scot, to Bunker Hill, but he was one of those Scottish associates who were ardent to have the exiled King Charles III (formerly "Prince Charlie" of 1745) come across the sea and raise his standard in America in the cause of the integrity of the American provincial charters which recognized him as king in their just interpretation. Washington Irving states that Sir Walter Scott told him that in the Royal Family papers in Windsor Castle is some of the captured correspondence between the Scots of America and "Prince Charlie" to this effect. Matthew Forsyth was opposed to mobocracy or democracy as much as to parliamentarism. He considered that " a royal form of government is best con-

ducive to the health and stability of families and to the general prosperity of the people."

These Scottish associates and other legitimists in America took as their badge the white cockade and the mountain eagle, in memory of the white cockade of the Stuarts, and the Order of the Mountain Eagle founded in Scotland in 1745 by "Prince Charlie" for his adherents in the cause of the ancient constitution. This mountain eagle was in the arms of the family of De Ergardia, lord of the Isles, to whose scion King Robert Bruce exclaimed at the battle of Bannockburn "Lord of the Isles, my trust is in thee!" It was to honor the most powerful chief of his Scottish adherents in 1745, who bore by descent from the lords of the Isles the eagle of the Ergardias, that "Prince Charlie" chose this imperial emblem. In the name of the same cause, in the Stuart charters of America and for the independence of the same from the revolutionary designs of the English parliament, the mountain eagle of the Ergardias was worn in America by many of the Scottish and other soldiers —and finally became the emblem of the United States. One of these eagles, worn at Bunker Hill in 1776, is in a public historical collection at Boston, owned by Mr. Baker of the New England Historic Genealogical Society.

It is universally conceded and allowed that before the adoption of the United States Constitution in 1787, there were three parties in America, all on the side of the charters, with one party only opposed. The opposition need not be spoken of, except that its members were the officeholders, parasites, and hangers-on of the corrupt parliamentary regime that had been imposed on the provinces, and had no opinion outside the graft and salary of office. The next party were those who desired the union of the empire, provided the provincial charters were secured from parliamentary infringement.

In 1778, after the London parliament, finding that force had failed, withdrew all its obnoxious acts against the provinces as fiefs of the crown and not its constituencies, this party demanded of the other two parties to recognize the apology of parliament and return to their allegiance. At the same time it withdrew from the armies and navy of the provinces and

attempted by forming loyalist corps to act with the parliamentary troops, to coerce the other two parties in the Colonies. On the falling through of this attempt, being pushed into exile, by the resentment and proscription of their successful opponents many of them under the name of United Empire Loyalists settled in Canada after the war, in 1783.

Of the two other parties both for Independence, one was royalist, the other republican. Matthew Forsyth was with this royalist party, as were all the members of his family and their high minded and honorable associates. Without this party, there never would have been an American independence. Without the support of the Stuart adherents—in the meaning of the Stuart charters, for whose integrity the war was waged, —who wore the white cockade and the mountain eagle of the Ergardias, it is certain that France, Spain, and Holland, the national allies of the Stuarts, the only nations that recognized the legitimacy of the Stuart cause, would never have assisted the radical republicans of the colonies to deceive the world with a fancied heroism under which guise they robbed the colonies, repudiated the charters later in the constitution of 1787, as well as the treaty with the crown of France, after their own object was attained.

It is useless to go further than this utter lack of honorable consideration on the part of the republicans in America. To their party flocked those of a similar mind, who were only stimulated by the thought of gaining an office for their votes. From that time the white cockade gave place to the black one of the Federalists and the red one of the republicans. But the imperial eagle was made the emblem of the republic. in spite of John Randolph's suggestion that a goose would be more suitable. As for the royalists, they were as much surprised at the baseness and perfidy of the republicans as was the king of France. And the king of France was so little inclined to credit the fact that he was warming a democratic viper into life to bite him to death, that for services during this war to both French and Americans, he erected the marquisate of Alainville in Northern New York and bestowed it on Chartier de Lotbiniere, in 1784. But in the persons of Thomas Paine

and Thomas Jefferson the viper of a democracy entered France to found there the Sons of Liberty, for the purpose of cutting the throat of the king who had set them free!

Patrick Henry in the convention of Virginia denounced those who framed the republican constitution, since, as he said, "they were commissioned to amend the old system—not to create a new one."

President Lowndes of South Carolina declared that he wished for no better epitaph than "Here lies the man who opposed the constitution of the United States because it is destructive to the liberties of America." Madison, Greyson and Mason of Virginia attested that republics and governments by majority rule "oppress more than monarchies," and Alexander Hamilton reaffirmed it.

But the fact is, no party was free to form a new government, since all parties had bound themselves by their oaths and "lives, fortunes, and sacred honor," to maintain the integrity of the provincial charters. Any government that was formed had to be formed within the meaning of those charters, else it was a most sinister breach of faith to those who had stood in arms for their defence against the usurpation in Britain, and had gained allies for their maintenance in France, Spain, and Holland. It was a revolutionary proceeding on the part of demagogues backed by the rabble of the colonies to defeat the purpose of the war for independence and to rob the patrician families in repudiating the indebtedness due them in loans and securities, and in legislating to deprive them of their rights of succession and representation within the meaning of the old charters. The formation of the government of 1787 commenced the American Revolution.

From this time forward, with this revolutionary regime, the main line of the Honorable Matthew Forsyth had nothing to do, and some members of the family repudiated it *in toto*. But his nephew, Major Robert Forsyth, who had been deputy quarter-master general of the southern army in 1778, settling in Georgia, found local circumstances so favorable that he accepted the post of United States Marshal. His son, John Forsyth, Governor of Georgia, minister to Spain, United States Senator,

etc., was secretary of state from 1834 to 1841, dying in office. He introduced the culture of Nankeen cotton into America. In 1861, when the southern states fell back on the interpretation of the provincial charters for home rule against the democratic inroads on their institutions, John Forsyth, son of Governor Forsyth, was one of the three confederate commissioners to treat with the Lincoln administration for a compromise, failing which he became chief of staff of the confederate army of Tennessee, and was author of the "Proclamation of the South to the People of Kentucky," when that army entered that state in 1863.

Going back to the Honorable Matthew Forsyth; it was his uncle, Captain Alexander Forsyth, who came to Boston before 1716 and assisted with his energy and ability the enterprises of that town. He was a selectman, captain in the troops, Indian commissioner, and commissioner to plan the fortification of Boston Harbour. After 1763 he retired from the scene, going back to County Ayr in Scotland. There Matthew Forsyth's brother, another Alexander, had remained, and gained quite a reputation as a civil engineer; from him was descended not only Sir John Forsyth, who organized the Bengal medical department of the British army, and was surgeon-in-ordinary to Queen Victoria, and his son, major-general Alexander Gregor Forsyth of the Bengal staff, but Dr. Alexander Forsyth, whose invention of the percussion lock and fulminate revolutionized the science of modern warfare.

Of the Honorable Matthew Forsyth's children, the following will show their record:

I. Dr. Matthew Forsyth went as physician in the Royal French Navy before 1774.

II. David Forsyth, an ensign in the Chester company, was killed at Ticonderoga in 1777.

III. Johnathan Forsyth, a soldier in the Chester company, was wounded, and died in 1778.

IV. William Forsyth was an ensign in Indian war of 1763-5 and was wounded; he was a minuteman in 1776; one of the founders of the Derry Public Library.

V. Josiah Forsyth was a lieutenant in the war of 1776.

VI. Robert Forsyth was a lieutenant in the war of 1776,

It was on the family of William, the fourth but eldest surviving son of Matthew Forsyth, that the de Fronsac possessions devolved, with seigneurial rights in Canada, which have been maintained by his rescendents to the present day. This William Forsyth married Jane Wilson, daughter of James Wilson, surveyor of Chester, of a Scottish family from Ulster, whose wife was Mary Shirley, daughter of John Shirley, by Carr. The Shirleys were descended from Sir Hhomas Shirley, of 1592, of the same family as Sir William Shirley, one time British commander-in-chief in North America. Chase in his "History of Chester," declares her to have been related to the countess of Huntingdon. This branch of the family maintains its Scottish nationality and connection with the feudal title of de Fronsac both in Scotland and in Canada. Thomas Forsyth, was a son of William Forsyth, born in Hillsborough County N H., was educated after his tenth year under his uncle's charge, Dr. Matthew Forsyth, in France, and was a cadet officer in 1792 at the age of 17 in the royalist army, *emigres,* at the seige of Thionville. He returned to America in 1800, to Canada, and had an office in the West India Trade in Portland, Maine, with connections in Savannah, Ga., and St., John's, New Brunswick. His posterity are the Scottish holders of the title of Fronsac and the representatives of the old barony of Dykes in Scotland.

A PICTORIAL HISTORY OF LINCOLN

A series of Lincoln pictures, constituting a pictorial history of the martyr president will be a feature of the AMERICAN HISTORICAL MAGAZINE during the current year. These prints from steel plates comprehend the life of Lincoln from his boyhood days and the time that he first appeared in public life until his death. Many of these prints are exceedingly rare, produced from plates that have long been out of public sight; and all of them are of exceptional value to every student of American history.

In the current number of the magazine appears the Lincoln portrait of 1857, the last known existing portrait of the president without a beard. In the same number is the campaign portrait of Lincoln of 1860 and a cartoon relating to the victory in 1860. These three will serve somewhat to indicate the general character that this pictorial history of Lincoln will take. As a whole, it will present numerous portraits of Lincoln, many of them now well-nigh forgotten, views of events in Lincoln's life, groups of the president and his friends or government officials and other Lincolniana.

The Lincoln cartoons will not be the least interesting prints in the collection. These are reproduced as essential to the adequate showing of the spirit of the period to which they pertain. As works of art, they are unquestionably crude, and as expressions of the temper of the anti-Lincoln element of the population, many of them are exceedingly distasteful in character. They seem almost entirely devoid of the purely humorous spirit which infuses the cartooning of the present day and saves that art from much of the offensiveness that would otherwise attach to pictorial criticism of public men. In these cartoons of the civil war period we see only the animosity and the bitter spirit of the time, without much of real wit or humor to enliven it. Nevertheless, they are essential to any comprehensive representation of the pictorial expression of the spirit of the era in which they were produced.

LINCOLN IN 1857

FROM A PHOTOGRAPH BY HESSLER

One day a prominent member of the Chicago bar called upon Hessler, who at that time was the leading photographer in Chicago and stated that he thought that the members of the bar of the State of Illinois would be delighted to have a good photograph of "Abe" Lincoln and suggested to Mr. Hessler that he make negatives of Lincoln and sell prints therefrom to members of the bar at $1 each. Although this was an unusual request, and Mr. Hessler knew nothing of Mr. Lincoln, not even at that time knowing who the man was, he consented, and made an appointment for a sitting.

Before the sitting Lincoln had been to a barber shop to be shaved and his hair was plastered down upon his forehead with oil, as was customary at that time. As the photographer was focusing the camera, Lincoln became uneasy. Finally he arose and went to a mirror; looking at himself in the glass he said, "The boys down in Sangamon would never know me this way," and he ran his hand through his hair, brushing it off his forehead until he presented the unkempt appearance of this picture.



POST REVOLUTION LETTERS

From Unpublished Manuscripts of the Magazine of American History

John Watts Jr to Oudthout & Renselaer

Communicated by C. E. Van Cortlandt

New York 27 Aug 1785 [Post Sev]

Messrs Oudthout & Renselaer

Gent. I am requested in behalf of Sir John Johnson, to make application to you for a particular Abstract of such sales of his Estate as have taken place, since the last was furnished and for what Money or securities and that the same be properly authenticated before a Notary, in order that it may be laid before the Board in London. I must also request a like abstract of all the property late of Mr James De Lancey which has been sold in your district particularly specifying the time when and for what Money or description of Certificates, I beg your early attention to this Matter and That you will acknowledge *the Receipt* of this Letter—all Expenses I will pay & am Gent, your humble Sevt J. Watts Jun.

Messrs Oudthout & Renselaer Commissioners of Forfeiture, Albany.

Robert Yates to Jellis Fonda

Communicated by F. H. Roof

Schenectady May 25th 1786 Dr Sir The Bearer hereof General Baron Steuben and young Mr. Morris a son of General Morris are on their way to Fort Stanwix, the former in order to make a Location of 16000 acres of Land Northward of your purchase, in consequence of a grant

from our Legislature to him in their last Session as a gratuity for his merit and Service during the last war I take the Liberty of recommending him to your notice—any information or services you can afford him will be gratefully acknowledged by me. My respectful compliments to your family and remain Dr Sir Your most obedient hble Servant ROBERT YATES

Major Jellis Fonda
Cagnuage

LAFAYETTE TO WASHINGTON

Communicated by Justin Winsor

The following letter is printed from a copy made under Lafayette's direction for Jared Sparks and now in the Sparks collection in Harvard College Library.

A true copy. The punctuation follows the original copy. One or two queries in the margin in pencil touch obscurities in the MS. There are two side notes (*) as given in this copy. JUSTIN WINSOR.

Paris November the 11th 1783. MY DEAR GENERAL. However scarce are American letters, yet as the eyes of the world are fixed upon you, I now and then hear what becomes of my dear General, your visit to Congress, your stay with the army untill the treaty arrives, your having been voted a statue, are events which are known to every one and felt by me; so that what to every one is an information, to me proves to be a cause for the most tender emotions. But now My dear General, that you are enjoying the sweets of retirement, I hope your absent friend will be somewhat benefited by it, and your letters cannot but be more numerous than it were possible to have them in your busy times, the convenience of those packets is peculiarly precious to me and I earnestly beg you will every time enable me to bless the opportunity. The gazette I have to present my dear General, is not very interesting. Ottoman disputes appear for a while to an end. Russia will keep what she has got, the emperor stands ready, but will not move for

the present, as to the Turks, lucky they are not to be attacked, the King of Prussia is quarrelling with Dantzick that he may have an opportunity to take hold of that city. Spain has made a ridiculous bombardment of Alger, for which every body and the Algerians too have laughed at her. France is exerting herself to preserve good harmony is the last *ward*, [word] and for the present Count de Vergennes seems to have well succeeded, as to England she is much engaged in disputes with Ireland, and very jealous of the Irish volunteer association. Mr. D'Ormesson, the financeer is out of place, and in *lieu* of him a M. de *Laborne* has been named. The queen was lately pregnant, but has had a miscarriage.— Such are the present news at the court of France.

My last letter from America is dated August the 20th, the place of residence for Congress had not been yet fixed upon. I hope my dear General your letter to the States will have a good effect, the most I think of it, the more I examine European nations, the better am I convinced that American glory, consequence, wealth and liberty depend upon a *light* [right] well framed federal union. At the same time it is to be hoped, our virtuous army will not meet with ungrateful proceedings, every honest breast, unless greatly misled must be shocked at the idea. I am very impatient to hear what has been done. in the meanwhile, I am collecting and my exertions are bent upon representing what may be the opinions of every American merchant within my reach more advantageous in mercantile regulations.* this government is well disposed to America, and it is far from being the case with the ministers of Great Britain. Mr. Jay, Mr. Adams and Mr. Laurens are in England. Many English gentlemen have been flocking to Paris. Some of them eminent characters, and by some I have been told that I should be sent with the definitive ratification a rumour for which I cannot account.

I am waiting for letters from you, for orders from Con-

*For tho one cannot hope for a complete success, yet it pleased me to think that some good measures may be influenced by a proper Representation.

gress—it is also the case with the commissioners. untill despatches arrive, we cannot know our fate. but nothing in the world can prevent my going in a little time. as you know what has been written to me, you can better judge what I will do. but it is at least certain I shall in a few months embrace my dear General, spend with him the Spring and Summer, and most earnestly intreat him to let me accompany him to France where his presence will excite the most enthusiastic and affectionate transports.—don't be angry with me Madam; for you must come too, take along the young girls, and then all will be perfectly right. Oh! that you [I] were at Mount Vernon, by the side of my dear General, reminding him of his past labors, and their glorious happy conclusions! it melts my heart; only to think of it. I feel uneasy, and what I want, I know to be a voyage to the free, the beloved shores of our America. Mme de Lafayette, my three children are presented to you with the most tender homage to yourself and Mrs. Washington. Your George is in perfect health.

My best respects, my most tender compliments wait upon Mrs. Washington. Be so kind, my dear General, to remember me to the inhabitants of Mount Vernon. —to George, to the family of Hdges, and all my friends,— adieu, adieu my dear General, it is not without emotion that I present you with the affectionate respects of your &c.

LAFAYETTE

SAMUEL MEREDITH TO HIS WIFE

Communicated by J. Meredith Maxwell

I

[*New York*] *July 1. 1790 10 Oclock in night* DEAR PEGGY * * * * * * The grand affairs was to day passed thro the Senate and is now ready for the House to act upon which will be laid before them tomorrow— 10 years residence in Philadelphia and permanently at the Potomack —thus far I give you joy on. I have myself little doubt

that it will pass in the House of Representatives and then the signature of the President will make it complete at which no one has a doubt of as he has a predilection for the Potomack and no dislike to Philadelphia— Thus I hope that all my wishes will be accomplished, that is to be with you and those I love when you will have to take care of your trees, improve the grounds and be as happy as any Princess with your family around you— I dined this day with Mr Harrison where I sat at the right hand of the Lady of the House, who was not able to bear the Removal of Congress with all that "sans froid" she possessed. To relieve her I talked of the pleasantness of New York and its environs, and how happy I would have been if I had not you and the Natale Solum and the Estate were not at Philadelphia. She was a perfect woman, alive to all the feelings of a New Yorker which I cherished tho I think she was a little too tart and tremblingly alive for a perfectly well bred woman, these two of the great opposing Parties were likewise Morris and Schuyler— Some hot and hasty words passed, in which I think Schuyler was wrong. I suppose he remembered with pain his having broken faith last session, which would have ensured to New York, at least, a temporary residence, of Congress, for three years— Honesty I believe through ever scene of this life is substantially the best policy and he no doubt regrets that he did not practice what was right as it comes home to him now. Lambert [Cadwalader] is well and is enjoying the victory. I left him about a half hour ago, and immediately set about writing you which has brought me to 11 Oclock at night the time for going to bed, so God bless you.

S[AMUEL] M[EREDITH]

MRS S MEREDITH

Green Hill near Philadelphia

The candle bad as is the pen so that I have not had time or inclination to read what I have written, which is no doubt hodge podge, of which you will make out what you can! It is extraordinary that you did not send the things to Mr. I

Fitzsimmons. The nankeens I did not want but do my shirts as some of those I have are Very bad

II

New York July 7. 1790, My Dear Peggy, We arrived here yesterday between one and two in good health, every thing remained in the same unsettled State it was when I left this, the whole day yesterday was taken up in debates in which the Ingratitude of Congress, was pointed out & every move taken to set the Gallery in a ferment but I believe nothing of this kind or any thing else will do unless some persons who are depended upon should fall sick— I hope you are better and stronger than when I left you & that Bess has got well of her swelled face I have just been bathing in the North River & felt very comfortably after it— I shall immediately after finishing this go to Mr Morris to breakfast with the President, so God bless You and the family Yours Samuel M(eredith)

Mrs Meredith
Green Hill near Philadelphia

III

[*New York*] *July 14, 1790* My Dear Peggy, I recd your letter of the 11th, & am rejoiced to find that the news had acted so favourably on your health & Spirits, the President has not yet put his name to the Bill & there has been a piece addressed to him on the unconstitutionality of it which I believe will have very little weight with him, however I confess on many accts I should wish it done, in the first place it would tend to make up the minds of the people here to a removal, it would likewise enable our people to begin their operations for the accommodation of Congress which I am very much afraid they will do in a nigardly way. I wish I may be disappointed, for if they do, the Contrast between the New Yorkers and us will be remarkable, for they have certainly gone to an enormous expense, the half of what they have & are laying out would answer the purpose as

well and as we are twice as large and rich it would fall but a fourth part as heavy on the Community— I have wrote to Mr Hill on the Subject thinking he as well as the Philadelphians want a little Spurring— The necessary articles must be bought at any rate and the expence attending the back part of the House is necessary for the Winter season & the front alteration wont cost much so that you have occasions for both being done, how far they are satisfactory is another point— As to purchasing lands abt me I have not any thoughts because I am sure I could make 4 times as much by Lands in this State, therefore I shall reject that scheme—so you see I relieve you of some of your doubts & anxieties— When this Residence point has the presidents Signature & my accnts of the last Quarter are settled I shall try to return home & then can think what is necessary to be done— Love to all Your

S[AMUEL] M[EREDITH]

MRS MEREDITH
Green Hill near Philadelphia

AARON BURR TO CHARLES BIDDLE

Communicated by Robert E. Roberts

N York 21 May 1793 DEAR SIR It is with great surprise that yesterday I met your nephew in the street— I had called at his lodgings the day before I wrote you & was told that he had left Town, which indeed was true, but it was only on an excursion to Long Island. I however, taking it for granted that he had returned to Philada. made no further enquiry. I fear you will have imagined that some accident had befallen him on the road— It gave me great pleasure to see that the congratulations to Mons Genet and the public expression of our attachment to the liberties of the French, had the Sanction of your name— Your nephew will tell you what our dispositions here, are on these subjects— I am Dr Sir Your Very Affectionately

AARON BURR

CHARLES BIDDLE ESQR

William Ellery to Oliver Wolcott Jr

Communicated by Charles Bruff

Newport State of Rhode Island &c October 3rd 1796 Sir— I have received your private confidential Letter of the 23d of the last month, and notwithstanding the delicate situation in which your request has placed me I shall mention such persons as have occurred to me as the most proper Candidates for the important office of District Judge. They are Benjamin Bourn Esqr of Providence and Asher Robbins Esqr of this Town— The former is sensible, has been long conversant with the Law, and of course must be well acquainted with its general principles;—and as he has been repeatedly a Representative to Congress his political sentiments, and manners cannot be unknown The latter who has a family and real estate in this town, was for several years a Tutor of Providence College, and in that station as I am informed, sustained deserved reputation. After quitting the College, he studied Law, has been in The practice of it between five and six years, and by application, and being possessed of clear and acute discernment, has acquired a large share of Law Knowledge. He is of a good dispostion and a firm Federalist. I have been the more particular respecting Mr Robbins because he has not had an opportunity to be much known out of this State Whatever pretensions the other Lawyers in and about Providence may have to the office of District Judge I am well satisfied that neither of them has equal pretensions, nor would be so agreeable to the inhabitants of that town and the people in general as Mr Bourne and I am confident that of the gentlemen of the Bar in this Town and Quarter no one is so well qualified for that Office, nor so well esteemed in this town in the town of Providence and the State at large as Mr Robbins I am with great respect Sir, Yr most obdt Servant Wm Ellery

O. Wolcott Jr Esqr

Gov John Jay to Col Ebenezer Stevens

From the Stevens Papers in the New York Historical Society Collection

Albany 20th March 1798. Sir—The Information requested in the enclosed Resolution of the House of Assembly of the 19th Instant, ought to be ample and accurate; and that nothing may be omitted to render it so, I think it my Duty to request you to come to Albany, and bring whatever Documents and Papers may be requisite to that End. The sooner the better, for the Session draws towards a Conclusion—this will put you to Trouble and Expense; but as in my opinion, you ought, so I think you will be indemnified— I am at this moment so much pressed by other affairs that I cannot enlarge I have the Honor to be— Sir Your most obdt Servt John Jay

Col. Ebenezer Stevens

State of New York. *In Assembly March* 19th, 1798.

Resolved, that his Excellency the Governor be requested to cause to be laid before this House, an estimate of the Sums necessary and means to be adopted for putting the City and Port of New York in a respectable State of Defence; and that he be also requested to inform this House, whether there be Grounds to expect the co-operation of the Government of the United States in defraying the Expense attending this object.

By order *James Van Ingen, Clk.*

(To be continued.)

LINCOLN IN 1860

FROM THE CAMPAIGN PHOTOGRAPH BY HESSLER

After the nomination of Lincoln for the presidency in 1860, a member of the National Republican committee called upon Hessler of Chicago and secured the photograph of 1857 to use for campaign buttons of the future President. After 200,000 of these buttons had been made, a prominent Republican committee from the east, who had received one of the buttons protested. He declared that the Democratic candidate, Stephen A. Douglas, was a man unusually tidy in his dress, and that Lincoln's unkempt appearance and general untidiness in the portrait would seriously affect the Republican party in the east where the opposition was already deriding him and calling him a "clod-hopper." The National committee thereupon requested Mr. Hessler to make another portrait of Lincoln to be used for campaign purposes. This request was communicated to Mr. Lincoln who replied, stating that upon the advice of his friends, he had decided to remain in Springfield until after the election, but that if Mr. Hessler would come to Springfield, he could take all the photographs that he desired. Mr. Hessler did so and the result of these sittings was this portrait of Lincoln, the last photograph taken before he began to grow a beard.



THE STOLEN PLATE.

BY T. J. CHAPMAN.

IN the month of June, 1749, the Chevalier de Celoron was dispatched by the governor-general of Canada to take constructive possession of the Ohio valley in the name of the king of France. He was to do this by passing through the country and depositing, at such points as he should think proper, leaden plates suitably inscribed, as the manner of the French was in laying claim to any newly acquired possessions. He had under him a company consisting in all of two hundred and sixteen whites and fifty-five Indians. They left La Chine, in the neighborhood of Montreal, and made their way westward by the St. Lawrence and lakes Ontario and Erie to a point on the shore of the latter lake, where the village of Barcelona, New York, now stands. Here they turned their course towards the south.

Celoron was provided with at least seven leaden plates. We do not know that he had any more. They were about eleven inches long, seven and one-half inches wide and one-eighth of an inch thick. They all bore the same inscription, the letters stamped in capitals, with blanks in which to inscribe such names of places and dates as should be necessary. The first of the leaden plates which they prepared to deposit was spoiled by inserting the name Chautauqua instead of Conewango. This plate, some time afterwards, fell into the hands of the English. It bore the following inscription:

"In the year 1749, during the reign of Louis XV., king of France, we, Celoron, commander of a detachment sent by the Marquis de la Galissoniere, commander-in-chief of New France, to restore tranquility in some savage villages of these districts, have buried this plate at the confluence of the Ohio[1] and Tcha-

1. The Allegheny was always considered by the early French voyageurs as the upper part of the Ohio. They also frequently called it Belle Riviere, or the Beautiful River.

da-koin[2] this twenty-ninth of July, near the river Ohio, alias 'Beautiful river,' as a monument of our having retaken possession of the said river Ohio and of those that fall into the same, and of all the lands on both sides as far as the sources of the said rivers, as well as of those of which preceding kings of France have enjoyed possession, partly by force of arms, partly by treaties, especially by those of Ryswick, Utrecht and Aix-la-Chapelle.''[3]

In December, 1750, this plate was delivered to Colonel William Johnson, at his residence on the Mohawk, by an Indian chief, and shortly afterwards it was sent to Governor George Clinton of New York. The Indians represented that they had stolen the plate from Joncaire, one of Celoron's officers, at Niagara, ''when on his way to the river Ohio.''[4] This story, however, is quite improbable. Let us examine it.

It was the fifteenth of June that the expedition set out from La Chine.[5] On the sixth of July they reached Fort Niagara, and on the sixteenth of the same month they arrived at the point on the shore of Lake Erie where they turned southward. After a very tedious, toilsome and somewhat perilous passage, they arrived about noon, July 29, at the confluence of the Conewango and Allegheny. They crossed the latter stream and landed on the left bank, nearly opposite the present town of Warren. Here they determined to deposit the first plate; but in filling in the names the name Chautauqua was erroneously inserted in the place of Conewango. It was such an error as, under the circumstances, might easily occur. The party had only recently navigated both streams, and in the mind of the artist both names were present, and he inadvertently inserted the wrong name. The error, we may believe, was quickly detected, perhaps by the keen eye of Celoron himself. The plate was spoiled and was thrown aside as useless. Another plate was at once prepared

2. Chautauqua, formerly written also Chatacoin, Jadachque, etc., etc.

3. This is the translation of the inscription as it is in the Colonial Records of Pennsylvania, volume 5, page 510.

4. Letter of Governor Clinton to Lords of Trade, December 19, 1750.

5. See article by O. H. Marshall in Magazine of American History, volume II., pages 129-150. Mr. Marshall's article is valuable, though marred by serious errors of fact in regard to distances, places, etc. These have been discussed by Reverend A. A. Lambing, A. M., in Historical Researches in Western Pennsylvania, volume I., pages 7-31.

and buried "at the foot of a red oak," as Celoron has recorded it, on the left bank of the Allegheny, opposite the mouth of the Conewango. This latter plate has never been found. Celoron's party likely remained here until the next day, when they proceeded on their way down the Allegheny. Some months afterwards, we will suppose, some straggling Indians passing the spot where Celoron had encamped found the plate that had been thrown aside and carried it off. Such we believe to be the true history of the affair. That the Indians stole the plate from Joncaire, at Niagara, we think altogether unlikely, for the following reasons:

First, the mere improbability of the thing. The Indians who were in Celoron's party, or who were in league with the French, would not likely steal it; in the first place, because it was a thing that would be of little value to them if they had it; and because to steal it would have been such a breach of trust and friendship as they would not have been guilty of. Other Indians than those above specified would have no opportunity to steal it; besides they were alarmed by the expedition and kept aloof from it as much as possible; so much so, in fact, that at one town, believed to be Shannopins, where Pittsburgh now stands, all the inhabitants fled at the approach of the French, "except three Iroquois and an old woman who was regarded as a queen." Evidently they showed no disposition to loiter about and pilfer from the French camp.

Secondly, the Indians who brought the plate to Colonel Johnson were very much exercised over it, and very anxious to know the meaning of "the devilish writing," as they called it, on the plate. Now, it is inconceivable that if they were in such a frame of mind they would have retained the plate in their possession for nearly eighteen months before attempting to learn the meaning of it. It is very much more likely that they did not have the plate long in their possession, but hastened off with it to Colonel Johnson, the agent of the English among the Indians, to have the matter explained. We infer, therefore, that the plate was not found until the latter part of the year 1750, or more than a year after it had been thrown aside by the French.

In the third place, so far back as the sixth of July, when the

expedition was at Niagara, they could not certainly have known that they would be on the bank of the Allegheny river, and prepared to deposit the leaden plate on the twenty-ninth of July. They had not been over the route before. Their way was beset with difficulties and dangers. Their progress was evidently much slower than they had anticipated. They could not predict with certainty that they would arrive there on the twenty-ninth of the month, and not on the twenty-fifth or the twenty-seventh, or any other particular day, and hence it would not occur to them to insert a specific date, so long before, and at a distance so remote, in a leaden plate, which they would know could not be changed if the facts in the case should afterwards require it. This consideration alone, we think, amounts to a moral demonstration that the plate had not been stolen, as reported by the Indians.

But the question may arise, why should they say they had obtained it in this way if they did not? We can only answer that possibly the Indians who first came in possession of the plate, did not so report. It may have been several weeks in reaching Colonel Johnson, and it may have passed through many hands while in transit, and as there was no written record of the manner in which it had been obtained, the true account may have been lost or perverted in the meantime. In short, it may have been only a variation of the old story of "The Three Black Crows." Or otherwise, while it may not be necessary to assume that the Indian is abnormally untruthful, yet, under certain circumstances, he may so far resemble his white brother as to be led into a misstatement of a fact, if he belived that the result would somehow redound to his own glorification or advantage. To the mind of the savage it might have seemed much more in keeping with the character of an Indian brave to steal the plate from an enemy, or to procure it "by some artifice," as they reported it to Colonel Johnson, than to obtain it in any such simple, matter-of-fact way as picking it up from where some one had thrown it.

Why they should represent that they had stolen the plate from Joncaire, rather than any one else, may not be a difficult question to answer. Joncaire was well known to the Indians

of Canada and New York. He had been adopted by the Senecas, and in their council they called him "our child Joncaire." He was a brave, resolute, enterprising man, and his name occurs more than once in the annals of those times. He understood the language of the natives perfectly, and had great influence among them. He, no doubt, had charge of the Indians attached to the party. An effort had been made to enlist a larger Indian contingent, of which he was to have had the command,[1] but it was not successful. The other French officers were, perhaps, unknown, or but little known, to the tribes of western New York. Joncaire, as we have seen, was well known, and to their minds represented the expedition. To say, therefore, that they had stolen the plate from Joncaire, was equivalent to saying they had stolen it from the French.

From the foregoing considerations we are led to the conclusion that the leaden plate was not stolen from Joncaire, at Niagara, on July, 1749, but was found at the mouth of the Conewango in the latter part of the year 1750.

1. See Letter of Governor Clinton to Governor Hamilton, July 24, 1749, in Pennsylvania Archives, Vol. II., page 32.

POLITICAL CARTOON OF 1860

A half century ago the cartoon had not attained to the dignity and importance that now pertains to it. The mediums of reproducing and of publishing that in later years have combined to encourage and develop it, did not then exist. Comparatively few of the cartoons of the civil war period were printed in the newspapers of the day and almost none of them had any artistic value. Most of them were made for the print sellers and were coarse in spirit and crude in execution.

The cartoon facing this page was of that character. It appealed to the jubilancy of the victors in the presidential campaign of 1860. We see Lincoln as the successful base ball player with Douglass, Bell and Breckenridge wondering how it all happened. The little animal in the foreground is a reminder of the time when the defeated ball team was not "whitewashed" as now, but was "skunked."


It appears to me very singular that we three should strike "foul" and he "put out" while old Abe made such a "good lick".—
That's because he had that confounded rail, to strike with, I thought our fission would be a "short stop" to his career.
I guess I'd better leave for Kentucky, for I am ll some-thing strong around here, and begin to think, that we are completely "shanked."
Gentlemen, if any of you should ever take a hand in another match at this game, remember that you must have "a good bat and strike a fair ball" to make a clean score" Athom run

ORIGIN AND ANTIQUITY OF HERALDRY.

Its Symbols Defined—Its Sentiments Expressed and Applied to Armorial Bearings.[1]

BY HENRY WITTEMORE.



is an organization of the emblems and devices which had previously existed beyond the memory of man, almost coveally with man himself; for nature had hardly imparted her first lessons of self-preservation, than instinct had taught the full value and importance of union—the fable and the moral of the bundle of sticks; hence bands, tribes, septs and nations; and hence those insignia so absolutely necessary, as landmarks by which tribes might be separated, boundaries fixed and friends and foe distinguished and descried. "Every man of the children of Israel shall pitch by his own standard, with the ensign of their father's house: far off about the congregation shall they pitch." Among the tribes of American Indians each clan has its name, as the clan of the Hawk, of the Wolf, or of the Tortoise, and each has for its emblem the figures of the beast, bird, reptile, plant or other object from which its name is derived. This emblem called *totem,* is often tatooed on the clansman's body, or rudely painted over the entrance of his lodge.

Guillim, who lived about the middle of the sixteenth century, said that the antiquity of gentilicial Arms in England will prove doubtless of far later date than many of our gentry would willingly have thought to have borne there. For, if consideration be had that for some hundred years the nation was under the harass of war, in the storm of foreigners' assaults, and after

1 Copyright 1907 by Henry Whittemore.

troubled with civil wars, there will be little reason to be over-confident in matters of pedigrees and Arms beyond four hundred years. This would take it back to the twelfth century, and there are many families in England, Scotland and Wales whose pedigrees are established beyond question to the eleventh and twelfth centuries and the coat armour is often an important link in establishing these connections.

The original design of heraldry, according to Nesbit, was not merely show and pageantry, as some are apt to imagine, but to distinguish persons and families; to reproduce the heroic achievements of our ancestors, and to perpetuate their memory; to trace the origin of noble and ancient families, and the various steps by which they arrived at greatness; to distinguish the many different branches descended from the same families, and to show the several relations which one family stands in to another.

Guillim says: "Arms as they are here meant, according to their original and first Use, may be thus described: Arms are Tokens or Resemblances signifying some Act or Quality of the Bearer. These Arms as generally and according to their present Use hereditable Marks or Signs of Honour taken as granted by Sovereign Princes to reward and distinguish Persons, Families and Communities in War and in Peace.

"These are sometimes composed of Natural Things, as of some kinds of Celestial Bodies, viz.: the Sun, Moon, Stars, etc. Sometimes of Four-footed Beasts: or of Birds, or of Serpents or of Fishes, Reptiles, or some Kind of Vegetables, Trees, Shrubs, Flowers, Fruits, Leaves; or of some solid things as Castles, Towers, Mountains, etc.; or of Things pertaining to Arts, Liberal or Trades Mechanical. Sometimes again they are compact of none of these, but do consist only of the Variations of Simple Colours, counterchanged by occasion of Transverse. Perpendicular, or whatever other Line used in Coat-Armour, whether the same be Straight, Crooked, Bunched, etc."

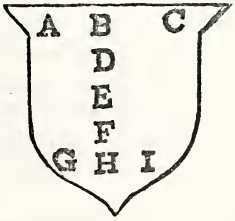
Nesbit adds: "Hereditary marks of honor regularly composed of certain tinctures and figures, distinguish arms from other signs and marks of soldiers, merchants and tradesmen which are but arbitrary during pleasure; as also from hierroglyphics,

symbols, emblems and devices which have no fixed and certain tinctures, but may be composed of any colours or figures."

The Shield.—As the shield was a necessary instrument in defence of the body, so it was with the ancients an honourable badge or sign; for with Grecians and Romans they who returned from the battle without it, were in great disgrace and interdicted from holy things" as the antiquarians of those nations wrote. And as the shield was necessary and honourable, so it was judged by all nations the most convenient tabula to contain marks of valour and honour.

Paul enjoins the Ephesians to "put on the whole armour of God, having your loins girt about with truth and having on the breastplate of righteousness, and, above all, taking the shield of faith, wherewith ye shall be able to quench all the fiery darts of the wicked."

Shields for the most part, of old, were to be seen triangular on the ancestral monuments, seals and coins. And from this triangular form came the custom in heraldry of placing the greatest number of figures above and the smallest below. The other form of shield, now universally used, is square, rounded and pointed at the bottom as Monsieur Beron describes it in his "Art of Blazon-Quarre arundi and pointee par la bas," which they say is after the fashion of the Sammitie shield used by the Romans.



The Shield or Escutcheon is the principal object wherein the emblems or charges of heraldry are depicted. The surface or space within the boundary lines is called the Field. The Shield is divided into the following parts; the Chief, which is subdivided into A, the dexter or right-hand chief point; B, the mid-

dle chief point; C, the sinister or left-hand chief point; D, the collar, or honour point; E, the heart or fisse point: F, the tombril, or naval point; and the base, which is subdivided into G the dexter base point, H the middle base point, and I the sinister base point.

Coats are said not to have any tincture predominating when the field seems cut or divided into two or more equal parts. Guillim says:

"After Battels were ended the Shields of Soldiers were considered, and he was accounted most deserving, whose shield was most or deepest cut, and to Recompense the Dangers wherein they were known to have been for the Service of their King and Country by these Cutts, the Heralds did represent them upon their Shields.

"The common Cuts gave Name to the common Partitions of which the others are made by various Conjunctions. If the Shield was cut from the Chief to the Base they gave a Line of Partition in that Form which the French term Parti; if transverse or athwart, Coupe; if diagonal from the Right high Angle, to the lower left Angle, Tranche; if from the left high Angle, Faile. What they termed Parti, we term per Pale.

Mackenzie observes that "the Names and Designations of these Points are for the several Parts of a Man who, in Heraldry, Architecture and Painting is the true Measure of all Symmetry and Perfection. The highest point his Head; the second he calls the Neck or Honour Point, and thinks it fitted for all Augmentation of Merit or Honour, because a Man generally wear thte Badges of his Honour about his Neck as may be said by the Knights of the Garter, who wore the Collar of their Order on St. George's Day. The Third Part, he tells us, *couer,* or Centre Part, the Heart-Part or Fess, which signifies the Flank or the Buttocks."

"By these Arms we are instructed of the right Originators and writings of Surnames. These Arms also show who have been Founders of Towns, Castles or Churches. Thus the Church of Durham is known to be built by the King of Scotland, and the town of Erfort is known to be built by the French King because they bear these Arms. And thus most of our publick

Buildings in England, such as our ancient Abbies, Churches and Colleges in both Universities for the most Part, expose to public View the Arms of their Families as well as the ancient Seats of our Gentry do those of their Owners".

Defense.—Indignities of any kind to the arms of another led to personal combat, imprisonment or severe penalties on the perpetrator. King Richard I. was imprisoned and one hundred thousand pounds was given as his Ransom, he being made captive by the Duke of Austria, for having ordered the banner of the said duke to be stricken down (whereby it was trod on) to give place for his own on the wall at the holy land into which the duke first wrought his passage.

Surcoat, Ensign, Etc.—The Surcoat or loose light taffety coat used by military men over their armour, upon which their arms were painted or embroidered that they might be distinguished in time of battle. Sovereigns and other great men are represented on the equestrian side of their seals, on horseback with such surcoats of arms. Sandford in his "Genealogical History" says that Gilbert, earl of Clare, was killed at the battle of Bannockburn by the Scots for want of his surcoat of arms, who otherwise would have been saved because he was a near kinsman to Robert the Bruce. These surcoats were much of the same shape and form of those still worn by heralds.

The other principal of honour is the *Ensign,* into which general name are comprehended standards, banners, pennons, gideons and gonfanouns. The first two, standards and banners, are of a square form, painted or embroidered with the whole achivements of those who have right to display them in the field or in solemnities, and anciently they were allowed by none under the degree of Knight banneret. The pennon and gideon are of an oblong figure, carried on the points of spears, and on them are only painted a part of the owner's arms, such as his device and crest.

Arms have appeared occasionally on the equipment of horses, such as the caparisons, as may be seen in the seals of kings, and other great men who are represented on horseback holding on their left arm the shield of their arms, and the same armorial figures embroidered on the caparisons of their horses. Nisbet

says: I have seen a seal of Alexander II., King of Scotland, appended to a charter of confirmation of several lands to the Abboaz of Melrose, upon which he is represented, sitting on a throne with a crown on his head, in his right hand a sceptre and in his left a mond. On the other side of the seal he is represented on horseback, in his coat of mail, holding in his right hand a sword and in his left a shield with the arms of Scotland, and the same arms are on the caparisons of his horse." Sandford, in his "Genealogical History," makes King Edward I. of England the first of these kings that had the arms of England on the caparisons of his horse.

The shield is distinguished by certain armorial colours called tinctures, separated by division lines, and *charged* with a variety of animals, instruments and other objects, which themselves bear the designation of *charges*.

The Tinctures used in heraldry are metals, colours and furs.

To Sylvester Petra Sancta, a celebrated Italian herald, is assigned the invention of the lines and points by which the tinctures are expressed. The metals are:

Or-gold—known in uncoloured drawings by dots.

Argent—expressed by the shield being plain.

The Colours are:

Azure—blue—depicted by horizontal lines.

Gules—red—depicted by perpendicular lines.

Ver—green—depicted by lines from the dexter chief to the sinister base.

Sable—black—depicted by cross lines, horizontal and perpendicular.

Purpure—purple—depicted by lines from the sinister chief to the dexter base.

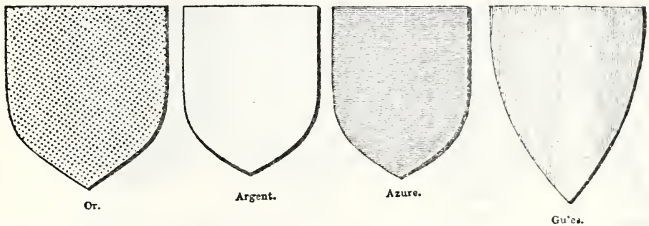
These Colours are defined by Guillim as follows:

"White is a Colour that consisteth of very much Light to which Black is contrary. As Colours may be resembled to Things of greatest Nobility or Reputation, so is this Worthiness accepted accordingly. This Colour is most commonly taken in Blazon for the Metal Silver and is termed Argent wherever the same is found either in Field or Charges. It represents Water, which next to Air is the noblest of all the Elements.

"All mixed or middling Colours that are called *Colores medii* are reckoned more Noble or Ignoble by participation; that is to say, as they partake more or less of the Nobility of the White, which is resembled to Light. White also signifies Peace and Sincerity.

"Red—This Colour representeth Fire, which is the chiefest, lightsomest and elegant of the Elements, and in blazoning is termed Gules. In its military application it signifies Fortitude and Magnanimity.

"Gold. This Colour in Arms is blazoned by the name of Or and it is commonly called Gold; yellow, because it doth truly represent that most excellent Metal, the Possession whereof enchanteth the Heart of Fools; and the Colour whereof blindeth the Eyes of the Wife. And as this Metal exceedeth all others in Value and Purity and Fineness, so ought the Bearer (as much as in him lieth) endeavor to surpass all others in Prowess and Valor. This also denotes Generosity or elevation of mind.

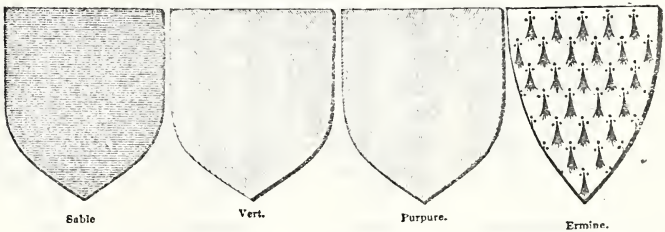


"Green. The Latins called this *Veridis a vigore* in regard to the Strength, Freshness and Livilness thereof, and therefore best resembleth Youth, in that most Vegetables as long as they flourish are beautiful with Verdure. And it is a Colour most wholesome and pleasant to the Eye, except it be in a young Gentlewoman's Face.

"Blue. This is a color which consisteth of much Red and little White and doth represent the Colour of the Sky in a clear Summer Day. Thus Blue is termed Azure. It signifies Loyalty and Truth.

"Purpure. Purple is a color that Consisteth of much Red, and of a small Quantity of Black. This Colour hath its denomin-

ation of a certain Fish, called in Latin, *Purpure*, a kind of chill fish whereof in Times past great Store have been found near to the famous City of Tyres situated next to the Sea-coast, in the Country of Phonicea. This kind of Fish hath in the Month of it an excellent and precious Liquor or Juice of singular use in Dying Clothes, the Invention and Use whereof were first found out by the Tyrians, for which Cause this Colour is called Tyrian Colour. These fish must be taken alive, and that chiefly in the Spring Season, at which Time their Juice is most plentiful in them. They are gathered alive and cast together on a Heap that so their continual Motion they may vent out this rich Liquor together with this Spirit, which done in some neat place or other provided for their clean keeping thereof; it is taken up and spared for necessary Purpose. This Colour in most Time was of that precious Esteem as that none but Kings and Princes and their Favourites might wear the same. It denotes Royal Majesty, Sovereignty and Justice."



"In Acts XVI, 14, allusion is made to a certain woman named Lydia a seller of purple of the city of Thyatira, a city on the Sycus. Dyeing, apparently formed an important part of the industrial activity of Thyatira as it did that of Colossa and Laodicea, the scenes of Paul's labors.

"The English heralds give two other colours more rarely used than purpure and of less esteem, such as tenney and sanguine. Tenney is a colour composed of red and yellow, by some called brusque, and they make it to be known in *Taitledonce* by diagonal hatches from right to left and horizontal ones.

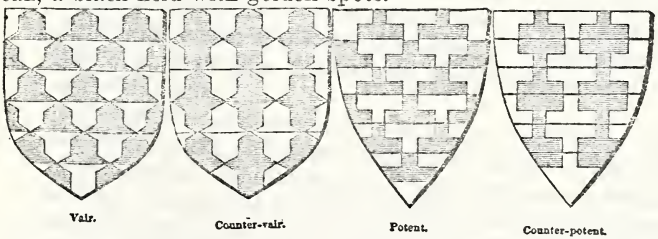
Furs used in arms are two, *ermine* and *vair*, which are composed of two or more of the aforesaid tinctures. Heralds gener-

ally bring their first use in armories from the robes and mantles of princes and chief commanders.

Ferne in his "Lace's Nobility" says that Priamus, King of Troy, in a mantle doubled with *ermine* fought against the Grecians and the old dukes of Brittany in France as deriving their descent from him carried ermine, which that dukedom continue to carry to this day.

That furs were anciently used in arms we have an instance of Pope Innocent III., who, in giving absolution to Henry of Falkenburg for being accessory to the slaughter of Canard, the first Bishop of Wurtemburg, informed him, for penance to fight against the Saracens, but never to appear in *ermine* and *vair*, or any other armoured colour made use of in the tournaments.

Ermine consists of a white field with black spots. The variations are: ermines being white spots on a black ground; erminites, differing from ermine by the addition of a red hair on each side of the black; erminois, a golden field with black spots; pean, a black field with golden spots.



Vair is the other principal point in heraldry; a parti colored fur of blue and silver (unless other colors are specified), in which the pieces are cut in the form of a shield and placed in rows, alternating the position in each. Burke says that it was composed originally of pieces of fur, but now silver and blue, cut to resemble the flower of campanula and opposed to each other in rows. When of different colors they are specified and described vaire.

Counter Vair differs from vair by having the bells or cups arranged base against base and point against point.

Potent Counter Potent is composed of figures like crutches' heads.

The old heralds used more minute distinctions: the arms of gentlemen, esquires, Knights, and baronets, they blazoned by tinctures; those of the nobility by precious stones; and those of emperors, kings, and other sovereign princes, by planets.

Yellow or gold, *or,* was represented by a topaz; white or silver, argent, by a pearl; black, sable, by a diamond; red, gules, by a ruby; blue, azure, by a sapphire; green, vert, by a emerald; purple, purpure, by a amethyst; tawney, seune, by a jacynth; and murrey, sanguine, by a sardonyx.

The term counterchanged (French, *de l' un en l' autre*) expresses that the field is of two tinctures, metal and colour, and that the charge upon it partakes of both—the charge or part of the charge, being of metal, which lies upon the colour, and the charge or part of the charge, being of colour, which lies upon the metal. "Transmutation or counterchanging," says Guillim, "is an intermixture of the several tinctures of the shield and charge, occasioned by the opposition of some one or more hues of partition over the whole." It is an invariable rule of Heraldry, that metal shall never be placed upon metal, nor colour upon colour; that is, if the field be of colour, the tincture charge must be metal and vice versa.

Escutcheons are said to be one tincture that have only some one metal colour or fur appearing in the shield of any nobleman or gentleman. Concerning this Form it has been holden of some writers a matter of doubtful whether one metal colour or fur borne alone in a shield be ancient and honourable. It was reckoned among the Romans a thing reproachful to bear a naked shield without any portraiture; in regard it was a usual thing with men of valour and courage to have their shields painted.

"Quick he was with naked sword,
But white shield did no praise afford."

The people of Lucania in Italy, situated between Calabria and Apulia, had their shields wrought of twigs, covered over with leather. It was the manner of the Scythians, Medes and Persians to have their shields of red colour, to the end that the effusion of their blood should not easily be discovered (when they received any wound), either to the discouragement of themselves or animating of their enemies. Moreover these nations

used scarlet and red Colour in their military garments and shields to the end that they might thereby strike the greater terror and astonishment into the hearts of their enemies.

The shield used by the Hebrews for defence was a framework of wood covered with leather. Another form of shield was frequently cased with metal, either brass or copper; its appearance in this case resembled gold when the sun shone upon it. In order to preserve it from the effects of the weather the shield was kept covered, except in actual conflict.

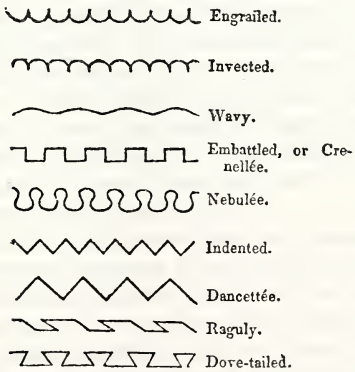
Partition Lines—"The lines used in armories," says Nisbit, "in dividing the shield into different parts and composing of figures are of different forms, without which many arms would be one and the same, for a cheif navy differs from the plain chief by the lines which compose them. And there are particular reasons for these different forms of lines. These lines, according to their forms and names, give denomination to the persons or figures which they form, except the straight or plain lines."

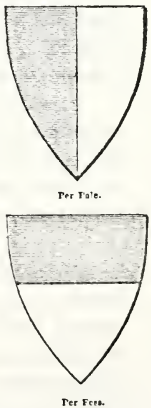
Invested
Engrailed
Wavy
Embattled, or Crenelee
Nebule
Indented
Dancettee
Raguly
Dovetailed

The first two lines designated engrailed and invested, when represented together, are somewhat known, the one from the other, being opposite to one another, both being words (as I were) of semi-circles; the engrailed with points upward, and the inverted line with points downward. But there is not yet a sufficient distinction; for, suppose the space between them which they form for a fesse, then it is only engrailed and not inverted; for a fesse engrailed must have the points on the sides turned toward the field and the conon or gibbose parts toward the fesse itself; and so of a bend, chevron, and other proper figures in heraldry; and if these be inverted, then the converse parts of the line are toward the field; but these lines are more clearly

distinguished when placed by way of border. These two lines engrailed and inverted are more difficult to be distinguished when the field is divided into two equal parts of different tinctures; as parted per pale, parted per fesse, etc. Hence we know not whether this line be engrailed or inverted, except we observe the rule that the form of the line must be applied to the colours first named.

Wavy or waved is said of a line or lines that are formed after the waves of the sea, as parted per fesse wavy in the arms of Drummond of Concraig, and the lines which form the bars waved in the arms of the earl of Perth, which signifies that the bearer got his arms for service done at sea, as Sir George MacKenzie says. The Drummonds bear the three bars or faces under or wavy, because the first of that name came by sea with Queen Margaret, who was married to Malcom Canmore, as master of the ship, and having suffered a great storm through which he, by his skill conducted them. He did therefore get the faces wavy, representing waves; which form of line the French term *mide* or *onde*.





Nibule, or Nibuly, is from the French, signifying cloudy—shadowy or cloudy with colours of one kind. It was considered a suitable distinction to such as were eminent for their skill in navigation and pilotry; that employment obliging them to see knowledge in clouds and storms.

Crenelle, or embattled lines represent the battlements of a house, and are said to signify in armories, skill in architecture; valiant actions in defending or assulting castles—or to show the bearer to be descended of a noble house; for of old, none were admitted to embattle their houses but great barons. The word crenelle is used for embattling; especially when a figure such as a fesse is embattled on both sides, heralds say ordinaryily *bretasse,* and some say *contre bretasse.* For embattling, the Latins used the word *pennatus, pennes, asperatus.*

There is another embattled line which Leh gives called battled embattled because it hath one degree of battling above another, and when the upper points represented bastions, the only works of cities and camps. When the upper points or battlements are rounded, it is called *crenelle* embattled *arondi;* such embattlement faces the west part of the House of Straton, the ancient seat of the chief of that name, earls of Winton. The line indented resembles the teeth of a saw, and has its name from dent or tooth; or indentura a certain deed of writing whose top is indented or cut into like teeth.

Dancetti, which is the same almost, with the indented *secundum quale,* but not *secundum quantum,* for these forms are both one, but in quantity they differ much for the *indente* is smaller than the *dancette.* Also *dancetti* differs from *indenti* by reason it consists but of few teeth though never fewer than three.

There are two other forms of lines, one termed *patti* or dovetail from a form of art used by joiners, who make joints one into the other by that name. "The other line is blazoned *made* or *champain* by Ferne Upton, who calls it *vere* because its points are formed like pieces of *vair.*

Partition and Repartition in Armories—A shield of one of the armorial tinctures is not complete armorial bearing except there be more tinctures than one, for these figures will appear though but the termination of two tinctures or more meeting together which represent a line or lines. Lines, thus, which divide the shield or field into parts are of two sorts: First, are those which divide the shield into equal parts and cut the centre; these are called the principal partition lines. Of these there are four, parted per pale, per fesse, per bend, dexter and sinister, called

by the French "*parti coupe traunche taille.*" Second are the repartition lines, which divide the shield into unequal parts, or "*parti mi coupe,*" and "*coupe mi parti.*" Menestrier in his "Treatise of the Origin of Arms" is of the opinion that the rise of the partitions in armories was from those in the habits of great men and of these he gives several instances: He mentions the ancient robes of the consuls of Grenoble which were parti or, and azure, and the garments of the officers of the city of Cambray as parti gules and argent, and from these came the same partition of their arms. The town of Metz carries for arms parti argent and sable.

When the shield or field is divided into two equal parts by a perpendicular line from the top of the shield to the base of the point it is said to be parted per pale. The arms of the city of Buri in the kingdom of Naples, which are parted according to the Latin definition, are so parted because the ancient robes of their magistrates were of the same partition as given by Favin.

When the partition line is straight, and none of these crooked forms before mentioned it has then no additional denomination in the blazon. But if it consist of any of these particular forms then the term of that form is added in the blazon, and serves as a difference for cadets as well as to distinguish them amongst themselves as to difference them from their principal families.

Parted per fesse is when the shield is divided into two equal parts by a horizontal line. The French use the term *coupe d'or, et d'azure.* This and the form of partition are very frequent in the arms of the Italians, for the reason that there are four old families in Italy who were not engaged in the factions of the Guelphs and Gibdines, which parties were not only distinguished by such partition in their arms, but even in their habits.

The fourth principal partition line, parted per bend sinister is by a diagonal line, passing from the upper left corner to the lower right angle toward the base; the word sinister is mentioned in the blazon of this partition to distinguish it from the former; the French say *taille—or taille d' argent et d' azure*—parted per bend sinister argent and azure.


DIEU DEFEND LE DROIT

In the "Representative Americans" series of portraits which is initiated in the current number of the AMERICAN HISTORICAL MAGAZINE, and will be continued during successive numbers of the year 1908, there will be a remarkable collection of original likenesses of some of the most eminent citizens of the United States, who are now conspicuous in various walks of life, professional, industrial and social. As a whole the series will constitute a gallery of portraiture, such as has never been attempted before by any American periodical. Both as respects the choice of subjects and their artistic treatment, the series will be of unusual character and of very exceptional interest.

It has been deemed especially fitting that the series should begin in the current issue with two portraits of men who have been prominent in the national life of this period; one of President Roosevelt and the other of the Honorable Joseph H. Choate, lawyer, publicist and diplomat. The Roosevelt portrait is strikingly effective. It was drawn at the White House, at the banquet which the President gave to Henry of Battenberg, when that prince was visiting this country a few years ago. The artist, Carl J. Becker, was the only artist present on that occasion, and he made three drawing of the Chief Magistrate, one for Postmaster General Charles Emory Smith and another for the President himself. The third drawing, signed by the President, is reproduced here.

The Choate portrait was drawn after the return of Mr. Choate to New York from his ambassadorship to the court of St. James. It presents Mr. Choate in an easy attitude and is an exceptional likeness and a notable work of art. Along with the Roosevelt portrait, it was exhibited at the Royal Academy in London, where both were very greatly admired, alike for their strong representations of character and their attractive artistic quality.

The portraits in this Representative Americans series are silverpoint drawings by Carl J. Becker, who is recognized as one of the foremost portrait painters of the United States, and who has made himself particularly pre-eminent by his drawings of this character, of which the Roosevelt and Choate are good examples. Silverpoint drawing is an old-time art. The silverpoint, which



THEODORE ROOSEVELT

AUTHOR, SOLDIER, STATESMAN

Son of Theodore and Martha (Bulloch) Roosevelt, and descended from Claas Martensen van Roosevelt who arrived in New Amsterdam about 1649. Born in New York city, October 27, 1858; graduated from Harvard University in 1880; member of the New York state assembly 1882-1883-1884; United States civil service commissioner, 1889-1895; president of the New York city board of police commissioners, 1895-1897; assistant secretary of the United States navy, 1897-1898; lieutenant-colonel and colonel of the "Rough Riders" regiment, in the Spanish-American war, 1898; governor of the State of New York, 1899-1900; vice-president of the United States, 1901; president of the United States, 1901-190—; author of "A History of the Naval War of 1812," "Winning of the West," "The Strenuous Life," "Hunting Trips of a Ranchman," "Life of Cromwell," etc., etc.; L. L. D., Columbia, 1899; Hope, 1901; Yale, 1901; Harvard, 1902; Northwestern, 1903.



Theodore Roosevelt



Theodore Roosevelt



JOSEPH H. CHOATE

LAWYER, PUBLICIST, DIPLOMAT

Born in Salem, Mass., January 24, 1832; graduated from Harvard College in 1852 and the Dane law school in 1854; president of the New York state constitutional convention in 1894; United States ambassador to England, 1899-1907; elected a master to the Middle Temple, London, England, 1905; president of the American Bar Association; L. L. D., Amherst, 1887, Harvard, 1888, Cambridge, 1900, Edinburgh, 1900, Yale, 1901, St. Andrew, 1902; D.C.L., Oxford, 1902.



Joseph A. Clark

is merely an amalgam of silver and lead, was used exclusively by the great artists of earlier times before lead pencils were introduced, and superseded it. That in many respects it is superior to any other medium for certain purposes does not admit of doubt. By its use a delicacy and refinement of result are achieved, and strength of character and good draftsmanship are in every way possible with it. While in recent years the art of drawing with silverpoint has fallen into disuse and become almost entirely obsolete, it has been revived by Mr. Becker, almost alone among contemporaneous artists; he has a strong liking for it and in it has achieved very artistic results.

Mr. Becker is an artist of German birth, but he is a thorough cosmopolitan, having traveled in all parts of Europe, in India, in Australia, and in the United States, and having achieved distinction for his portraiture in whatever quarter of the world he has set up his easel. He was in the Franco-Prussian war, went to India with the Prince of Wales, now King Edward of England, in 1875; has painted in Australia and is recognized in art circles in all the large cities of the United States. In this country he is especially well known for his painting of the members of the Produce Exchange of New York, the members of the Philadelphia Bourse, and the City Troop of Philadelphia.

He has also done scores of portraits, among them being those of the Prince of Wales, Admiral David D. Porter, Justice Miller of the United States Supreme Court, ex-Secretary of the Treasury George S. Boutwell, Postmaster General William F. Vilas, General Philip H. Sheridan, and Archbishop Ryan.

The particular attractiveness and value of these silverpoint drawings of Mr. Becker rest in their extreme delicacy and their fine artistic sense, while at the same time they are striking likenesses of their subjects, and full of character. As the series progresses, it will show some of the most famous Americans of the present day. The individuals selected for representation will be those who are now most notably in the public eye, by reason of their achievements in political activity, in professional pursuits, in the financial and business world, or in social life. It will be a wholly contemporaneous gallery and an exceptionally interesting and valuable adjunct to the historical records of the period.

BOOK OF BRUCE

BY LYMAN HORACE WEEKS

II

Scandinavian Origin

ON the Scandinavian peninsula, in the early centuries of the Christian era, was settled a race whose mastery of the countries within striking distance of the Northland was, for generations, well-nigh complete. Tradition and mythology commingle in the story of the semi-barbarous Germanic men of force and their viking descendants. The sagas of Norway, Denmark, Iceland, and Orkney tell the tale of these titanic rovers of the sea and conquerors of the land, their lives and achievements, their wild freedom and their cruelties, their loves and their hatreds. From these sources are derived the genealogical records that make possible the pedigrees of their descendants even to the present day. In them scholarly research has found the earliest discoverable ancestors of the Bruces, men and women of might who had a large and influential part in the iron life of that heroic age.

Before the seventh or eighth century the Norsemen found full employment for their fighting passions in contending with each other for mastery of their respective domains. Gradually a slight sense of national spirit developed among them and they grew more and more inclined to be at peace with their immediate neighbors and kinsfolk and to excercise their propensities for conquest and plunder upon other peoples than their own. Norway became the fountain head of one of the most wonderful conquering and colonizing movements that the world had ever known. In fast-sailing ships the vikings and their followers made incursions upon Northern Europe and the islands of Britain. They considered war the most honorable profession

and, even as Tacitus said of the Germans, "they deemed it a disgrace to acquire by sweat what they might obtain by blood." Or, as another ancient historian quaintly wrote, they were "people desperate in attempting the conquest of other realms, being very sure to finde warmer dwellings anywhere than in their own homes." They harried England, Denmark, and Europe, plundering cities, devastating countries, and carrying away spoils by the ship-load. Of such mettle were these progenitors of the royal house of Bruce.

On the direct male line the Bruce pedigree goes to Sveide, a viking who lived in the middle of the eighth century. On the distaff side the pedigree is traced through various lines. male and female, to the founders of the several principalities or kingdoms that finally became the nation of Norway.

In the most ancient chronology Odin, a prince who, in the fourth of fifth century of the Christian era, was driven, by the Romans, from his domains on the border of the North Sea, led his Germanic tribes to the Northland. He was a famous warrior, always victorious, and when he died he divided his new kingdom between his sons and companions in arms. His son Skioldr established himself at Lethra upon the island of Zeeland and founded the kingdom of Denmark. In the course of time, sacrifices were made to Odin, he received divine honors, and was worshiped as the creator of the universe. Some authors regard him entirely as a mythological personage while others believe in his historical existence. But the list of Scandinavian kings who claimed descent from him is accepted by historians without reserve, after the seventh century.[1]

Beginning with Skioldr, son of Odin, the fourteenth king of Lethra was Halfdan II., son of Frode III. The kingdom was divided between the two sons of Halfdan into Lethra and Roeskilde, but in a later generation was reunited by *Ivar Vidfami* of Roeskilde, the son of *Halfdan III. Sniale* by his wife Alfo. Halfdan III. was a son of *Olaf*, the Sharp-eyed, of the Rurik line of kings who were foremost among those eastern princes

1. "Manuel d'Historie, de Genealogie et de Chronologie de tous les Etats du Globe", by A. M. H. J. Stokvis, Vol. II, p. 320.

whose territories and powers were ultimately merged in the Russian empire.

With *Ivar Vidfami*, or Widefathom, we are on firmer historical ground. His father Halfdan III, was murdered by Gudrod, King of Scandia, and the son went forth to Sweden with an army to avenge the death of his parent. King Ingiald, whose daughter Asa had instigated her husband Gudrod to kill Halfdan, was so hard pressed that he burned himself and all his court in a big banqueting hall. After this *Ivar* acquired "all the Swede land," Denmark, a "great part of Saxon-land," all the East-realm, and part of England. From him came the early kings of Sweden and Denmark.

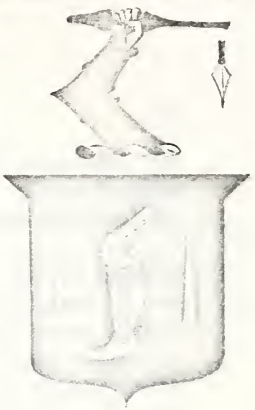
Auda Diuphaudza, daughter of *Ivar Vidfami*, married *Radbard* or *Robert* King of Holmgard, and their son King *Randver* married Asa. In the next generation came *Sigurd Hringr*, a famous king of Sweden, son of Randver and Asa. He was living in 735 and his queen was Alfhilda. In 750 a daughter of the preceding married *Throud* or *Hoerk*, King of Trondheim, who was a son of *Harald Hilditur*. *Eystein*, King of Trondheim in 780, was the son of Throud or Hoerk; *Halfdan*, King of Trondheim in 810, was his grandson and *Eystein Glumra*, King of Trondheim in 840, was his great-grandson. A daughter of *Eystein Glumra* marrying *Ivar*, son of *Halfdan* the Aged, son of Sveide, the viking brought to the direct male Bruce line a pedigree reaching back through the several royal lines that have just been indicated, of early Sweden, Trondheim, Holmgard, Rurik, and Lethra to the stock that derived from Odin the divine.

Instead of *Ivar*, Earl of Upland[1], some genealogists give as the father of *Eystein*[2], Thebotau, Duke of Sleswig and Storman, who is said to have lived in the first quarter of the ninth century; to have served under Gudrod, King of Norway, in 821, and to have married Gandella, daughter of Vitellan, Lord of Ballanstedt and Bernburg in Germany, from whom the Ursini family of Italy is descended. This origin of the Bruce family was first advanced by Gabriel Surrene, the famous antiquarian

1. III on page 53.
2. IV on page 54.



Oliphant



Gilberšon







Alphinston



Sutherland

and genealogist of half a century ago, in his researches for material for a history of the Bruce family. Among English genealogists Henry Drummond has almost alone endorsed the opinion of Surrene.

On the other hand, the pedigree making *Ivar,* son of *Halfdan* the Aged and grandson of *Sveide,* the father of *Eystein,* is presented by J. H. Wiffen[1], who gives a genealogical chart tracing, as has been shown on the preceding pages, the pedigree of *Ivar* through ten generations to *Olaf the* Sharp-eyed, King of Rurik, This pedigree is on the authority of Suhn[2] and Snorre.[3] Stokvis in his manuel gives the same pedigree from *Rognvald* father of *Torf Einar* and of Rollo, Duke of Normandy, back to *Olaf* the Sharp-eyed and then beyond him, generation by generation, to Odin the first great monarch of the Scandinavian kings. In the Lakdaela Saga and the Landnama Saga, included in the Origines Islandicae; in the Heimskringla, the Norwegian sagas of Snorre Sturlason, and in the Orkneyinga Saga, to all which frequent reference is made in the following pages, the stories of these Norsemen, their ancestors, and their descendants are related, often with much detail and with full confirmation of the genealogical lines here adopted.

I

SVEIDE of Upland, a viking, 760—800.

II

HALFDAN the Aged, son of the preceding, was ruler of Upland in 1800.

III

IVAR, son of the preceding, was a jarl or earl of Upland in 830. He made proud boast of his descent from the deified hero Thor. In 850 he married a daughter of Eystein Glumra who was King of Trondheim in 840.

1. "History of the House of Russell."
2. "Histoire Critique du Denmark."
3. "Historia Regum Septentrionalium"

IV

EYSTEIN, or EUSLIN, named Glumra of Vors, son of the preceding, fled into the kingdom of Norway about 870 to escape Danish tyranny. He married, first Jocunda, daughter of Hunthiof, King of North Mere and South Mere, two provinces of Norway; second, Ascrida, daughter of Rognvald, son of Olaf or Olaus, an independent king of Norway, who kept his court at Geirstead.

Issue:—

1. Sigurd, the first Earl of Orkney. He married Jocunda, daughter of Olaf Hviti, the White, King of all Dublin. Olaf was descended from the same stock as Harald Harfagra, the first king of Norway. He led an invasion of the Northmen into Ireland in 838, and, capturing the city of Dublin, held the Celtic race in that part of the island in subjection, and founded the most powerful and most permanent Norse kingdom in Ireland. He was a son of Ingiald, who was a son of Helgi, and his wife was the famous Queen Auda.

The islands of Orkney were subdued by Harald Harfagra soon after the year 875, and Siguard was placed in possession, being created the first Earl of Orkney. The Norwegian race of earls of Orkney continued in the male line until Magnus, Earl of Orkney, who married the Countess of Caithness, died without male issue in the fourteenth century, his granddaughter, Isabel of Caithness, transmitting the right of the earldom to her son, Henry Sinclair, of the Scottish Sinclair or St. Clair family, the claim being acknowledged by Hakon VI. of Norway in 1379.

Sigurd in his new possessions had much trouble with his neighbors on the Scottish mainland. The sagas relate that he and the Scottish earl Melbrigd Tonn, or Tooth, made an arrangement to meet in a certain place with forty men each to discuss their differences. Sigurd mounted eighty men on forty horses. When Earl Melbrigd discovered this treachery he accepted the gage of battle and in the fighting was killed "and all his men with him." But Sigurd did not long enjoy the fruits of his victory. An ancient account of the battle says: "he gained the victory in a foray over the Scotch jarl Melbrigd, and cut off his head, which, in the overweening pride of his triumph, he hung at his saddle; but a sharp tooth that projected from the head chafed his leg and caused a wound which proved his death." Sigurd was buried at Eckialdsbakki.

2. *Rognvald,* of whom below.

V

ROGNVALD, son of the preceding, by his wife Ascrida, was one of the great men of Northland. He was an independent king of an important section of that country and was powerful enough to make himself a leader of other rulers. He belonged to the same family as Harald Harfagra and was fully equal in rank with that earl. When Harald planned the subjugation

of the independent jarls or earls of Norway and the unification of that country into a nation, Rognvald joined forces with him and became his most valued supporter and councillor. He assisted Harald throughout the long struggle with the other Norwegian chiefs until his kinsman was established on the throne as the first king of all Norway. When Harald began his warring against the other earls he swore never to cut his hair until he had conquered and had won the hand of the ambitious maiden Gyda whom he loved and at whose instigation he had undertaken this task. When he had finally achieved his purpose he had his long shining yellow hair cut for the first time in his life and to preform this office he called upon Rognvald—so the sagas tell—because "that lord was the most valiant and best beloved of all his subjects."

Harald appointed Rognvald Earl of North Mere and Raumsdale in 885 after the victory at Solskel when Hunthiof of Mere and his father-in-law Nockvi were defeated and slain. After the second naval victory at Solskel where he particularly distinguished himself he was made Earl of South Mere.

"Rognvald, the Mere Earl, son of Eystein Glumra had become King Harald's man that summer, and him King Harald made lord over the two folks, North Mere and Raumsdale, and strengthened his hands thereto both with lords and franklins; and ships he gave him withal that he might ward the land against war; he was called Rognvald the mighty, or the Keen-counselled, and as folk say it was good sooth of either name."[1]

Among his many famous exploits, told in the sagas, was a winter expedition against King Vermund of the Firths.

"And so he came a night-tide to a certain stead hight Naustdale whereat was King Vermund a-feasting. There took Earl Rognvald the house over their heads, and burned King Vermund therein with ninety men."

When his son Ivar, fighting under Harald in Scotland in 870, was killed, "to boot the loss of him King Harald when he sailed from the west gave Earl Rognvald the Orkneys and Shetland."

1 "Heimskringla of Snorre Sturlason," Vol. I, pp. 100 and 103.

But fate had it that Rognvald should meet his death in 890 at the hands of the sons of his friend and king. Halfdan High-leg and Gudrod Gleam, sons of Harald, were dissatisfied with their lot and sought the possession of more land and exercise of more power. So with bands of followers they went forth fighting. They "came unawares on Rognvald, the Mere Earl, and took the house over him, and burned him therein with sixty men."

Rognvald married, first, Hilda or Helinda, daughter of Rolf, surnamed Nefia Grosshertz, a great herrse or baron of Raumsdale; second, Groa, daughter of Wrymund, King of Trondheim.

Issue:—

1. Rolf, or Rollo, who led an army across seas to France, conquered the province of Neustria, and founded there the Dukedom of Normandy.
2. Thorir, surnamed Thegiandi (the Silent). He was made Earl of Mere by King Harald after the death of his father. He married, in 885, Alof Arbot who was called the Year's heal, daughter of King Harald.
3. Halladur, the third earl of Orkney. He married Tora, daughter of Find the Squint-eyed, a great lord in Norway.
4. *Einar,* of whom below.
5. Hrollaugur or Drogo. He married Ermina and was the ancestor of the Barons of Briquebec and other noble families of Normandy.
6. Helinda. She married Sigurd, surnamed Rice, son of King Harald. In 900 he was Governor of the province of Ringrace in Norway.
7. Ivar, who was killed in battle in Scotland in 870.

VI

EINAR, surnamed Torf Einar, son of Rognvald and his wife Groa, was the fourth Earl of Orkney. Upon the death of Sigurd, the first Earl of Orkney, his son Guthrom succeeded him, but died without issue a year later, in 875. The earldom reverted to Rognvald who sent his son Halladur there. But Halladur does not seem to have had much in him of the fighting spirit of the age and was soon wearied of defending his possessions against the never-ending attacks of the plundering vikings. Therefore he returned to Norway, much to the disapproval of his father. When Earl Rognvald heard of this—

"he was ill content with Halladur's journey, and said that his sons would become all unlike their forefathers. Then spake Einar; 'I have had little honor of thee, and but little love have I to part from. I will fare west to the isles if thou wilt give me

some help or other; and then I will promise thee, what will gladden thee exceedingly, never to come back again to Norway.' Earl Rognvald said he should be well content if he never came back; 'For small hope have I that thy kin will have honor of thee, where as all thy mother's kin is thrallborn.' So Earl Rognvald gave Einar a long-ship all manned, and in the autum-tide Einar sailed West-over-sea; but when he came to the Orkneys there lay before him two ships of the vikings, Thorir Wood-beard and Kalf Skurva. Einar fell to battle with them straightway, and won the victory, and they both fell. Then was this sung:

'Tree-beard to the trolls he gave there,
Scurva there Turf Einar slaughtered.'

"Thereafter Einar became earl over the isle and was a mighty man there. He was an ugly man, and one eyed, howbeit the sharpest-sighted of men."[1]

His rule in the islands was beneficent and all people were devoted to him. It is said that he discovered the deposits of peat with which the islands abounded and taught the inhabitants how to use it for fuel. To show their gratitude the people gave him the name Torf or Turf.

After Halfdan High-leg and Gudrod Gleam had slain his father Rognvald, Torf Einar was forced by Halfdan, who came to Orkney with an army, to take refuge in Cathanes, or Caithness, on the mainland or Scotland. Gathering reinforcements he returned to Orkney in the autumn and fell upon Halfdan High-leg and defeated him and his forces. Halfdan was captured and Einar in person tortured him before putting him to death, after the manner of that time. The sagas give this song that Einar sang after he had accomplished his vengeance:

"Wreaked have I Rognvald's slaying,
I for my fourth part fully,
For the stay of hosts is fallen;
The Norns have ruled it rightly.
Heap stones then upon High-leg,
High up, brave lads of battle,
For we in strife were stronger,
And a stoney seat I pay him."

But Einar's triumph was short-lived. When King Harald

1 "Heimskringla of Snorre Sturlason" by William Morris and Eri'kr Magnusson, Vol. I, p. 122.

heard of the fate of his son he sailed to the Orkneys and the earl again "got him over to Caithness," singing as the sagas put it·

> "For the slaughtering of the sheep-kind
> Are some with beards made guilty;
> But I for a king's son's slaying
> Amid the sea-beat island.
> Comes peril, say the franklins,
> From the wrath of a king redoubted,
> And surely of my shearing
> Is the shard in the shield of Harald."

In the end the affair was settled by Einar paying a fine of sixty marks of gold to the king in return for which he was left in undisputed possession of the islands.

Issue:—

1. *Thorfinn,* of whom below.
2. Arnkel who followed King Eric Bloodaxe, son of Harald Harfagra, into England and was killed in battle, 950.
3. Erland who also accompanied King Eric and was killed in battle, 950.

VII

THORFINN HAUSKLIFR, the Headcleaver, son of the preceding, was the fifth Earl of Orkney, and the Earl of Shetland in 942. In the latter years of his life he submitted to the rule of Queen Gunnhild, widow of King Eric Bloodaxe, and her sons, who, driven out of Norway, seized Orkney; but he resumed the earldom when Gunnhild and her sons went over to Denmark.

He died about 963.

He married Grelad, Greiland, or Grelota, daughter of Dungad, jarl or earl of Cathanes, whose wife was Groa, daughter of Thorstein Rauda, the Red, son of Olaf Hviti, the White, King of Dublin, by his wife Aud, the Deep-rich or Deeply-wealthy. The story of Aud or Und, the Deeply-rich, who married Olaf Hviti, is told in the Icelandic sagas. She was a conspicuous figure in her time and country, and a queen who exercised a powerful control and widespread influence throughout a long and active life.

"Beorn Buna was the name of a mighty and noble herse in

Norway. He was the son of Werther-grim, herse or lord of Sogn. Grim had to wife Her-ware, daughter of Thorgerde, daughter of Ey-laug, the herse of Sogn. Beorn had to wife Welaug, sister of We-mund the Old. They had three sons. One of them was Cetil Flat-neb, the second Holgi, and the third Hrapp. They were noble men and from them is the greatest race that is told of in this book and from them are come well-nigh all the gentle-folk of Iceland.'"[1]

"There was a man named Cetil Flatneb, the son of Beorn Buna, the son of herse Grim, Halbeorn Halftroll's son. He was a mighty lord or herse of Norway and of high family. He dwelt in Reams-dale, in Reamdale-folk, that is between Southmere and North-mere. Cetil Flatneb had to wife Yngwhild, daughter of Cetil Wether, a man of good birth. Their children were five. . . . Und (Aud) Deeprich was a daughter of Cetil's whom Anlaf (Olaf) the White had to wife, the son of Ingiald, the son of Frode the Gallant whom the Swertlings slew.

"In Cetil's latter days arose the rule of Harald Fairhair, so that no folk-king could thrive in the land, nor other great man, save he himself settled what their power or rank should be. And when Cetil found out that King Harald meant to give him the same terms as to the other mighty men, namely to have his kin slain bootless (without weregild), or else become a vassal or leige-man himself, he summoned a moot of his kinsmen and took up his speech thus: 'Ye are acquainted with what hath taken place between us and King Harald, wherefore there is no need to go into it. . . . I know of a truth the hatred that King Harald bears us, and it seems to me that we shall not find much backing in that quarter, and methinks there are two choices before us,—either to fly the land, or be slain every man in his own place.' . . .

"Then Cetil said that he was now minded to go west over sea (to the British Isles), for he said there was good land there and that those lands were known to him far and wide, because he had harried far and wide there. . . . Afterwards Cetil makes ready for his journey out of the country west over the sea. His daughter Und went with him and more of his kin. Cetil's sons sailed for Iceland the same summer and Helge, the Lean, their brother-in-law. . . . Cetil Flatneb made Scotland in his ship and gat good welcome from men of worship because he was a man of renown and of a great family. And they offered him to settle thereon what terms he liked.

"Cetil fixed his abode there and the rest of the company of

[1] "The Landnama Book or Book of Settlements," in "Origines Islandicæ," by Gudbrand Vigfusson and F. York Powell, Vol. I, p. 25.

his kinfolk, save Thorstan, his daughter's son. He took to sea roving at once and harried far and wide over Scotland and gat ever the victory, and afterwards he made peace with the King of Scots and got half of Scotland for himself and became king thereof. He had to wife Thurid, daughter of Eywind, and sister of Helge, the Lean. The Scots did not keep the peace well, but betrayed him to death in time of truce. Are Thorgilson, the historian, says of Thorstan's slaying that he fell in Caithness.

"Und Deeprich was in Caithness when her son Thorstan fell and when she heard that Thorstan was slain and her father dead she thought that there would be no bettering to be got where she was. And so she had a merchant ship built secretly in the wood and when the ship was finished she fitted out the ship and took much riches and chattels with her. She took aboard with her all the company of her kin that were yet alive. And men thought that it was scarcely ever known that one person, and a woman, should have been able to get away out of such perils with so much chattels and such a following. And it may easily be marked thereby what a paragon she was among women. Und also had with her at that time men of high rank and of great families. . . . Und sailed her ship to the Orkneys as soon as she was ready. There she abode for little while. There she gave Groa, daughter of Thorstan the Red, in marriage. She (Groa) was the mother of Greiland, whom Earl Thorfinn had to wife, the son of Earl Turf-Einar, the son of Rognwald, Earl of Mere. Their son was Hlodwe, father of Earl Sigurd, father of Earl Thorfinn, and hence is come the house of the Orkney earls."[1]

The family to which Groa belonged was one of the most powerful in the islands of Northwestern Europe, and by his marriage to her Thorfinn greatly strengthened himself and his descendants in their hold upon Orkney and Shetland. With the exception of his successor in the earldom, his sons met tragic fates.

Issue:—

1. *Hlodver* or *Lodver,* of whom below.
2. Arnfinn. He married Ragnhild, daughter of King Eric Bloodaxe of Norway, and was slain by her in Cathanes.
3. Haavad. He married Ragnhild, his brother's widow, and was killed at Stennis in a fray with his nephew Einar Klining who had been instigated by his wife.

1"Origines Islandicæ," by Gudbrand Vigfusson and F. York Powell, vol. II, pp. 141-145.

4. Liot. He married Ragnhild, his brother's widow, and was slain in battle with the native chief Magbiod at Skid Myre, Cathanes.

5. Skuli. He received the title of Earl of Cathanes from the King of Scots; was slain in battle with his brother Liot.

VIII

HLODVER or LODVER, son of the preceding, was the sixth Earl of Orkney.

He died about 980 and was buried at Hofu in Cathanes.

He married Audna, daughter of Kiarval, King of Ireland. Kiarval was the Cearbhal or Carrol of the Irish annals, King of Dublin 872-87; he was descended from Ivar the Boneless, son of Ragnor Lodbrok. Some authorities say that Lodver also married Africa, daughter of Somerlid, Prince of Argyle.

Issue:—

1. *Sigurd,* of whom below.

2. Gerleota who married Baldwin Clapham, son of King Edmund of England.

IX

SIGURD, surnamed Digree the Corpulent, son of the preceding, was the seventh Earl of Orkney. Beside holding Cathanes or Caithness against Kenneth III., King of Scotland, he ruled other parts of the Scottish mainland. Between the years 969 and 995 he was challenged by the Earl Finnleic, father of Macbeth, to battle on a certain day. Receiving from his mother a charmed standard he went forth and in the ensuing combat defeated his adversary. Some time after 995 he embraced Christianity. The circumstances of his change from paganism to Christianity are told in the Orkneyinga Saga. It appears that he yielded to the energetic ministrations of King Olaf Tryggvison of Norway who made an expedition to Orkney. Olaf received Earl Sigurd of board his ship and exhorted him to embrace the new faith saying—

"you may have certain hope of honor from me and will gain what is much more important, to reign in eternal joy in the Kingdom of Heaven. The other alternative is that you shall be slain on the spot and after your death I will send fire and sword throughout the Orkneys. You and they who put their trust in idols shall speedily die, and shall thereafter be tormented in hell fire with wicked devils, without end."

Sigurd held out against these urgings and finally King Olaf seized the earl's young son Hundi and making ready to slay him said:

"Now I will show you, Earl Sigurd, that I shall spare no man who will not serve Almighty God or listen to my preaching of the blessed message. Therefore I shall kill your son before your eyes this instant, with the sword now in my hand, unless you and your men will serve my God. For I shall not leave these islands until I have completely fulfilled his blessed commission, and you have been baptized along with this son of yours whom I now hold."

Naturally Earl Sigurd deemed it wise to yield to this vigorous missionary effort. He conceded the superiority of King Olaf and his God and was baptized with all his people of the Orkneys. But even then King Olaf failed to keep entire faith with his convert for he carried Hundi away to Norway as hostage, having first baptized him by the name Hlodver.[1] And Hundi never saw home and parents again for he died in Norway.

Notwithstanding this enforced conversion Sigurd continued to fight vigorously for the old paganism. Before 1014 he went to Ireland leaving his elder sons to rule his dominions and entrusting his younger son, Thorfinn, to the care of the boy's grandfather, King Malcolm. Engaging in war with the Irish king Brian Boroimhe (Boru) he was killed in the great combat at Clontarf April 23, 1014. This battle fought at Cluaintarbh, now Clontarf, near Dublin, was the most celebrated of all the conflicts in which the Norsemen were engaged on that side of the North Sea. "It was there," says an ancient commentator, that the old and new faiths met in the lists face to face for their last struggle."

Norwegian legends tell that before he set out on this expedition to Ireland, Sigurd received from his mother a standard, made by her own hand, on which was woven the image of a raven, the bird sacred to Odin, the Scandinavian god of war. The raven was represented with outspread wings and in the act of soaring upwards. On accepting the banner the earl was assured by his mother that it had the remarkable property of

1"The Orkneyinga Saga."

bringing victory to whoever had it carried before him, but that the standard bearer himself was doomed to fall. In the battle of Clontarf, two of Sigurd's bearers were killed. After this none of the officers would take up the fatal colors; thereupon the earl wrapped them around his body and gallantly fought until he fell pierced with innumerable wounds.[1]

Thormod Torfeson, whose Latinized name was Torfæus, the celebrated historiographer to Christian, King of Denmark, in the latter part of the seventeenth century, recorded much of the history and tradition of ancient Orkney. He tells the story of a very remarkable apparition in Cathanes preceding the battle of Clontarf. On Christmas, the day of the battle, a man saw several persons on horseback who were riding at full speed toward a small hill, and seemingly entered into it. He was led by curiosity to approach the spot, when, looking through an opening in the side of the hillock, he observed twelve gigantic figures, resembling women, employed in weaving a web. As they wove they sang a mournful song or dirge descriptive of the battle in Ireland, in which they foretold the death of King Brian and that of the Earl of Orkney. When they had finished their task, they tore the web into twelve pieces. Each took her own portion and, once more mounting their horses, six galloped to the south and six to the north. This legend is the subject of Gray's ode The Fatal Sisters, which is a paraphrase or translation of a Norwegian poem found in the Thormodus and other Norwegian collections. In the ode the sisters are the valkyries, who in Norse mythology, chose the slain and are the special ministers of Odin to conduct the fallen heroes to Valhalla.

"Now the storm begins to lower
(Haste the loom of hell prepare),
Iron sleet of arrowy shower
Hurtles in the darken'd air.

Glitt'ring glances are the loom,
Where the dusky warp we strain,
Weaving many a soldier's doom,
Orkney's woe, and Randvar's bane.

.

[1] "Orcades, seu rerum Orcadiensium Historiæ," by Thormod Torfeson.

Ere the ruddy sun be set
Pikes must shiver, javelins sing,
Blade with clattering buckler meet,
Hauberk crash, and helmet wing.

Weave the crimson web of war,
Let us go, and let us fly,
Where our friends the conflict share,
Where they triumph, where they die.

.

Low the dauntless earl is laid,
Gor'd with many a gaping wound;
Fate demands a nobler head,
Soon a king shall bite the ground.

Long his loss shall Erin weep,
Ne'er again his likeness see:
Long her strains in sorrow steep;
Strains of immortality!

Horrors cover all the heath,
Clouds of carnage blot the sun:
Sisters! weave the web of death,
Sisters! cease—the work is done.

Hail the task, and hail the hands!
Songs of joy and triumph sing!
Joy to the victorious bands;
Triumph to the younger king.

Mortal, thou that hear'st the tale,
Learn the tenour of our song.
Scotland, thro' each winding vale
Far and wide the notes prolong.

Sisters, hence with spurs of speed;
Each her thundering faulchion wield;
Each bestride her sable steed.
Hurry, hurry to the field!"

Sigurd married for his first wife, a woman whose name is un
known. He married, second, Olith, Alice or Thora, daughter o
Malcolm II., King of Scotland.

Issue:

1. Hundi, or Whelp, who died in captivity in Norway before 1014.
2. Sumerlid, or Somereld, or Sumarlis, who died about 1015.

3. *Brusi,* of whom below.
4. Einar Wrongmouth, who died in 1026.
5. Thorfinn, eighth Earl of Orkney. He married Ingibiorg, daughter of Earl Finn Arnason.
6. Ellen. She married Duncan, son of Malcolm II., King of Scotland.

X

BRUSI, or BRUSEE, son of Sigurd by his wife Alice, although he was a man of peace for those days of warfare was the center of storms during his life and bequeathed an inheritance of bloodshed to his sons. When his father died four sons, Sumerlid, Brusi, Einar, and Thorfinn were left. As soon as the youngest attained to maturity he demanded from his brothers his share of the earldoms of his father and was supported by his grandfather, King Malcolm.

"Earl Thorfinn was from his youth up speedily wrought with all pith: he was mickle and stark; a man ill-favored: and so soon as he waxed in years it was easily seen of him that he was a grasping man, hard and grim and exceeding wise."[1]

Thorfinn began his career when he was only fourteen years of age, going forth on sea excursions for plundering. His skald, Arnor, thus sang of him:

> "By the prince in storm of helmets
> Was the sword's edge deeply crimsoned.
> Scarcely fifteen the great hearted
> Sought renown on fields of battle,
> Ready to defend his own land,
> Or to ravage in another's.
> Under heaven a braver leader
> Ne'er was found than Einar's brother."

In the struggle that Thorfinn made for Orkney Brusi was always the peacemaker. He conceded Thornfinn's claim and contented himself with a third part of Orkney, where he ruled well beloved. At a great feast that was given by Thorkel Fosterfather at Sandwick to celebrate the peace between Einar and Thorfinn, Thorkel, acting under the advice of King Olaf of Norway, slew Einar as he sat at the hearth stone. After that,

1"Heimskringla of Snorri Sturlason," vol. II, 170.

by the support of King Olaf, Earl Brusi held two-thirds of Orkney for a time until finally, about 1030, Thorfinn again wrested from him all but his original one-third "whenas Knut the Rich had laid Norway under him, and King Olaf was gone out of the land."

"Brusi was meek and peaceful, wise, deft of speech and well beloved. Einar was stubborn, sullen and gruff, grasping and griping and a great warrior. Sumerlid was like to Brusi in his ways."[1]

Brusi was converted to Christianity in the eleventh century. He became privy councillor to King Olaus the Holy and was made Earl of Cathanes and Sutherland.

He died in 1031.

He married Ostrida, daughter of Regenwald Wolfson, Earl of Gothland.

Issue:

1. *Rognvald,* of whom below.
2. Ingreda. She married Turbrand, son of Galbrand, a noble of Norway, who was murdered by Alfred, son of Uchtred, Earl of Northumberland.
3. Margarita, who married Thurbrand the Bald, a Danish nobleman.
4. Olaf, a monk of Clareveux.

XI

ROGNVALD, son of the preceding, was early in life held in hostage at the court of King Olaf the Holy, of Norway. He became a general in the army of Olaf and when the king was compelled to flee from Norway Rognvald shared his fortunes. On the battlefield of Stickelstead, where Olaf was slain, he distinguished himself and saved the life of Harald, the brother of the king. Subsequently he was made governor of the Castle of Oldegorburg in Russia by Duke Waldamar.

After the death of his father Rognvald waged ineffectual warfare against his uncle Earl Thorfinn for the recovery of Orkney. In the end in 1046 Thorfinn subdued all Orkney and made the islands his principal home. Rognvald escaped to Norway but soon returned and, discovering the home of his uncle, set fire to the house to destroy him. Thorfinn, taking his wife

1"Orkneyinga Saga."



Ruins of Brecknock Castle.

Ingibiorg in his arms, broke through the vaulted roof of the house and, escaping, fled to Cathanes. Rognvald, supposing that Thorfinn had perished in the flames, took possession of Orkney and proclaimed himself ruler of all Thorfinn's dominion in Cathanes and Hebrides. For a time Thorfinn, undiscovered, lived quietly among friends in Cathanes, but about Christmas 1046 he went secretly to the island of Papa Stronsay, where his nephew was and set fire to the house in which Rognvald dwelt. Although Rognvald then escaped he was soon after taken prisoner and put to death by Thorkell Fostri, the follower of Thorfinn, who years before had also killed Earl Einar, his father. It was said of Rognvald that—

"he was the goodliest to look upon, his hair thick and yellow as silk; he was of early days big and strong, and of all men was he the likeliest, both by reason of his wits and his courteous manners."

He married, first, Arlogia, daughter of Duke Waldamar; second, Felicia, daughter of Robert, Duke of Normandy, who was father of William the Conqueror.

Issue:

1. Waldamar of Russia.|
2. *Brusi,* or *Robert de Brusee,* of whom below.
3. Hamilliana. She married Ottala the Brisk, Prince of Russia, nephew of Waldamar.
4. Arlogia, who married Thurston du Beck.

AN OLD STREET OF NEW YORK

BY JAMES V. ENTON

II

PALISADES, such as were then put up, were very commonly placed on the outside of all American towns that were exposed to attacks from Indians. They were the trunks of straight young trees, of nine or ten inches in diameter, sharpened at both ends, the upper end being sharper than the other. They were driven into the earth as close to each other as was possible, and on the inside there were posts or cleats to stiffen them. Their length in various towns was from ten to sixteen feet. Those in New York were planted in a trench three feet deep, and were pierced from musketry.

Just west of Catiemut's hill, and along the line of Magazine street, was where the executions of the victims of the negro plot had taken place. It does not seem to the disinterested reader of this series of trials that there ever was any plot among the inoffensive blacks. But the public, growing excited as the reports of insurrection and arson reached it, demanded victims, and the judges and juries yielded to them, as they did to the accusers of the so-called witches in Salem. Mr. Grim stated that the location of the executions was at a point in the centre of the present City Hall place, midway between Pearl and Barley streets. Here executions took place for many years. Just beyond was the negros' burial ground.

The last part of the present Pearl street to be built upon was that known as Magazine street. Its location was determined by the natural topography of the country. All Manhattan Island was once covered with hills. Those at the north were chiefly rock, while those at the lower end of

town were sand hills and gravel hills. Between these prominences were plains, more or less extensive. The largest of these in the lower part of the city was known as Lispenard's meadows. It reached entirely to the North River shore, the present Canal street forming the centre line. It crossed Broadway, and extended as far as Baxter street. One wing of the meadows extended southward, West Broadway being the centre, to Reade street. On the north it almost reached Spring street. This ground was low and wet, and in seasons of flood or heavy rains water



COLLECT POND

passed from it in both directions, to the North River and the East River. But in the southeastern corner there was something more than a meadow. The ground descended rapidly there, and formed a very pretty little pond, known to citizens as the Collect. This was a corruption of the

word Kalchhook of Shell Point. It is supposed to be so named from the piles of shells upon the shore. This pond, says Miss Booth, in her "History of New York City" was at the close of the Revolution:

"Deep, clear, and sparkling—a miniature sea in the heart of the city. Its waters still furnished food for the angler, and rumors were rife of strange sea monsters which had been seen therein, one of which had carried off a Hessian trooper in the days of the Revolution. It was a man-trap, too, for the unwary traveler, and from time to time a citizen, who had mistaken his way in the darkness or had drunk too deeply, fell from its banks and was drowned where now is solid ground. The possibility of such a transformation had not yet occurred to the busy speculators; but schemes were projected to convert the beautiful lake into a means of ornament and profit. One company proposed to buy up the lands around it, and, preserving the lake in its primitive condition, to lay out a portion of the grounds as a public park and realize their expected profit from the enhanced value of the remainder. But this project was scouted as visionary by the cautious capitalists, who could not credit that the city would ever extend so far; the proprietors of the land, joining in the belief, were unwilling to risk their property in so wild a scheme; and the plan which would have preserved an inland sea in the heart of the city, a natural feature shared by no other, was finally abandoned by its enterprising projectors."

It could not have been otherwise. No pond of that size would have been anything else than a receptacle of the filth of the neighborhood. The Collect was too small to be an ornament of itself, unless the shores were also left in their native beauty. As soon as the Revolution ended, in fact before that time, it began to be filled up, and the street which led from the hospital to Chatham street and Queen street, although only a muddy lane, year by year grew more solid. Houses were put on either side. In 1807 the Scotch Presbyterians had a church there, and the streets were completed on paper, instead of being interrupted as they were ten years before. Reade and Duane streets were opened through in 1794. A survey of the pond and the

land about it was made in 1790, and the next year the corporation purchased the claims of the heirs of Anthony Rutgers for one hundred and fifty pounds sterling. Soil was taken from the hills in the neighborhood, and the area of the pond became less, while its waters were shallower. Yet so slow was the progress that there are men yet living who have skated upon its surface and fished in its depths. It was there that the first steamboat was tried, the one invented by Fitch, twenty years before Fulton set sail with the Clermont.

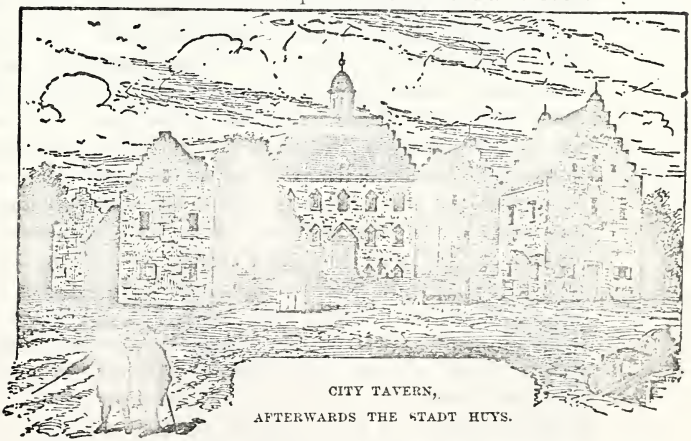
To the east of the Collect there was a little brook known once as the Old Kill or the Old Wreck Brook. It followed its devious way down to the East River at James street, crossing Chatham street at Pearl. Here was a bridge, the first of the kissing bridges. The title was afterwards transferred to other structures, but this was the original kissing bridge. When on sleigh rides the swain was crossing the stream with his fair one, custom allowed him to take toll from her lips, and it is said that when sometimes the young man, with more modesty or less assurance than usual, refrained from exacting the penalty his companion would sulk and pout for the remainder of the drive.

This was the end of the town in pre-Revolutionary days, and municipal ordinances recognized the fact. To the north of the bridge was what is now Chatham square, then a hill with one farmhouse upon it. The water connection on the east side by this brook to the Collect was continued on the west by another stream, which crossed Broadway at Canal street, and it was for a long time contemplated to straighten their outlets, cut them deeper, put banks to them, and thus make a canal which would extend completely across the city. Such a plan would have been of advantage to us had New York remained a little provincial town of one or two hundred thousand population, but it would have been a bar to progress to us as we are now.

Closely connected with this water course was the great spring on Chatham street, the tea water pump. It was undoubtedly supplied by the same sources that the Collect

was. Up to fifty years ago it was an established feature of the thoroughfare just below the intersection of Pearl and Chatham streets. A continual succession of carts took the water away in barrels, and no housewife would use any other water when she could procure this. The water supply of the Manhattan reservoir came from the same underground spring. At one time this supplied twenty-five hundred families with water.

In that part which leads from Chatham street to Franklin square great changes have been made within fifty years. The new Bowery and Chambers street have been cut through since that time, and later the Brooklyn Bridge was erected. New streets hewn through where blocks of buildings were have given an appearance to the street corners much unlike those anywhere else; and many edifices were torn down for the convenience of the new approach to Brooklyn. On the square was one house in which Washington had dwelt, a fine, stately mansion, abundantly described in the journals and diaries of a hundred years ago. Others of more moderate pretensions were also cut away.



CITY TAVERN,
AFTERWARDS THE STADT HUYS.

Since the Walton house has been razed only one other house is left which in its day made any pretensions. It is the New Sailors' Home. Its prosaic use, the dirt in the

neighborhood, the sporting temple next door, and the elevated railroad before it, all combined, do not destroy the evidence that it was well planned and well built, and was once the home of some wealthy citizen. Inside the structure are to be found several fine pieces of work. Tradition says this house was occupied by George Clinton, when Governor of this State, not immediately subsequent to the evacuation, but a considerable time after. Of this, however, there is no confirmation obtainable. It is well recollected, however, that he was a resident of Pearl street, opposite the end of Cedar street, as soon after the close of the war as he could obtain possession. The building was a three and a half story structure, with dormer windows. Here the Governor dispensed his hospitality, and here all distinguished strangers came to pay their respects to this great patriot. Later he removed to the Government house on the Battery, where one of his daughters was married.

A little further down Franklin square than the Sailors' Home was the spacious dwelling of William Walton, which when built was regarded as the handsomest in the city. Its width was great, and it abounded in carved work and fine decorations. It is said that a banquet given at this house was the immediate cause of the Revolutionary War. Mr. Walton made one day a dinner to the principal inhabitants of the town and to the military officers who were here. The greatest profusion was exhibited. Luxuries from every clime were there; the napery was of the finest, the service unequalled, while the tables groaned with the weight of gold and silver plate upon them. The food was unsurpassed for no English town could then match New York in its supply of fish, fowl and game. The officers were delighted with their reception, and were never tired of telling about the profusion and wealth there exhibited. One of them repeated the story to a minister of the Crown, and the latter determined to bring in a bill for taxation of the Americans. No plea of poverty could be made if they were able to afford such banquets. The bill was brought in, its execution was resisted, hard feelings became common, and in the end

there was armed opposition. Thus the independence of America was due to the lavishness of a New Yorker. So runs the story, at any rate. In this building the first New York bank was organized.

Hague street, looking down from Pearl street, is a dark and narrow alley, making a half turn in its course, and remarkable only for the great explosion there more than fifty years ago, by which many lives were lost. The street was ravaged by the great fires of 1776, 1778 and 1835. In the latter, which was the greatest in America until the Chicago fire, and surpassed even that in relation to the means of the people, Pearl street was the centre. In every direction from Hanover square the flames extended. It was at first thought that this open space would be a good place in which to store goods, and that the Garden Street church would afford another good place. Its yard was filled with costly merchandise. There was no possibility of controlling the conflagration, however, except with gunpowder, and silks from France, lace from Belgium and teas from China were burned in these two places as easily as if they had been in a wooden building. Directly south of Hanover square, upon Pearl street, is an inscription which shows where the flames were stopped. The ruins smoked until spring, the fire being in December.

A great trade in New York is now dry goods. The wholesale district is now on the west side of Broadway, from Duane street north half a mile. It was once on the lower part of Broadway and on Pearl, Pine, Cedar, and William streets. Pearl street was the chief. In the last century all goods of this kind were brought from England and France, and displayed on this thoroughfare. But as the city grew larger and older it was supplied to some extent from New England. Commission houses began, and the dry goods trade assumed somewhat the appearance it has now. That this was one of the chief industries of Pearl street can be inferred from the fact that in 1834 the following numbers were of those who traded in dry goods: Nos. 61, 100, 115, 118, 122, 126, 140, 157, 158, 160, 164, 165, 166,

174, 175, 176, 178, 179, 181, 181, 188, 190, 195, 208, 214, 217, 226, 231, 234, 242, 250, 252, 254, 255, 269 1-2, 271, 283, 284, 307, 438 and 464. So important had this trade become fifty years ago a book was written entitled the "Perils of Pearl Street," which told the dangers that might be met with there in much the same terms as we might now use, if we were disposed to moralize, concerning Wall street or New street. This street was also the hardware centre. In that year there were on its line the following banks and other noted places of commerce:

The Fulton Bank, corner of Fulton; the Leather Manufacturers' Bank, No. 334; Dry Dock Company, office No. 338, bank corner Avenue D and 10th street; Jefferson Insurance Company, corner of Chatham street; Eastern Pearl Street House, No. 309; Holt's Hotel, corner of Fulton, by Stephen Holt; Pearl Street House and Ohio Hotel, No. 88, by Mahan & Peck; United States Hotel, Nos. 178 and 180; and the Walton House, No. 328.

The one above called Holt's Hotel, but later the United States Hotel, until that made way for a modern business structure, was in its day one of the wonders of the New World. It was the largest and most magnificent inn that up to that time had been erected, and its prices, a dollar and a half a day, were thought to be exorbitant even by many who had accumulated considerable property. Two terms are used in a description contemporary with its building which have now gone out of use. "In the relish room," it says, "there can be found superior accommodations on terms as reasonable as at any establishment in this city." It further says that in the second story, on the Water street side, "is a large room in which there is daily a public ordinary, and to which resort many of the most respectable and influential men of the city." On the roof there was a promenade, and in the basement there was an artesian well, which at that time was over five hundred feet deep. It subsequently went down much further. Here was probably the first engine which was used in a hotel to facilitate the labor. Passenger elevators had not then been thought of, but bag-

gage was carried upstairs by steam power, and it was also used for turning spits, grinding and cleaning knives. Its main purpose was, however, digging the artesian well.

Mr. Holt was a man of decided originality of character. He came to New York from Salem in 1808, then being employed as a cabinet maker, and shortly after opened a small victualing house, which was managed by Mrs. Holt. In 1814 he had a boarding house for the accommodation of officers of the army, and next took larger premises in Front street, between Burling slip and Fulton street. Calamity overtook him there, and he was burned out. He was then penniless, but he obtained on credit another house in Fulton street, where he was very successful. The point in which he differed from his rivals was making his charges very moderate in amount, and depending upon a large trade to reimburse him. It is understood that in his venture on the corner of Pearl street and Fulton he changed his management, asking what other fashionable houses did. The expenses, which were larger than there had been any precedent for, devoured the receipts, and he failed, the hotel passing out of his hands. It was opened in January, 1833, the Astor House, the next large hotel, being erected about three years later. At 245 Pearl street was the shop of David Felt, the stationer, who for many years was at the head of his calling. His establishment was so large that in a Henry Clay parade in 1844 he turned out between three and four hundred employees, and he was long reputed to be the richest of his craft.

Pearl street ends at Broadway. The last few hundred feet of its course it climbs a hill, once higher than now. Upon it was a pond, while directly opposite the end of Magazine street, as it then was, was erected the hospital, the one bit of picturesqueness that the lower part of New York contained forty years since. The hill covered forty acres. Colonel Rutgers held part of this plot in the middle of the last century, but towards 1770 it became the Ranelagh Gardens, with dancing platform, music, flowers and refreshments. It was sold in 1770, being bought by the Hospital

Association, which proceeded, with help from the Corporation, to build. This was begun September 2d, 1773. In 1775 it was partly destroyed by an accidental fire, but it was sufficiently repaired to serve as barracks for the British soldiers during the war. After the peace it again became a hospital. In this neighborhood, also, was the first Broadway Theatre. There was a Scotch Presbyterian Church on the north side of Pearl street, a little west of City Hall place.

ORIGIN AND DEVELOPMENT OF THE SILK INDUSTRY IN AMERICA

BY HENRY WHITTEMORE

(*Continued from the November Number*)

II

THE increased attention given to the business in that place directed interest in other parts of the country to the subject, and Congress, on the 29th of December, 1825, adopted the following resolution, introduced by Mr. Miner, of Pennsylvania:

"*Resolved,* That the Committee on Agriculture be instructed to inquire whether the cultivation of the mulberry tree and the breeding of silk-worms, for the purpose of producing silk, be a subject worthy of legislative attention; and should they think it to be so, that they obtain such information as may be in their power respecting the kind of mulberry tree most preferred, the best soil, climate, and mode of cultivation, the probable value of the culture, taking into view the capital employed, the labor and the product, together with such facts and opinions as they may think useful and proper;

"*Resolved,* That the same committee inquire whether any legislative provisions are necessary to promote the production of silk."

In obedience to the resolution of the House, of December 29th, Mr. Van Rensselaer, from the Committee on Agriculture, on May 2d, presented a report on the expediency of encouraging, by legislative measures, the planting of mulberry trees and the breeding of silk-worms for the production of silk. The committee stated that mulberry trees were indigenous to the United States, and that silk could be

raised with facility. Measures had been recently adopted in Savannah to renew the culture, which had been suspended by the Revolution. Considerable sewing silk was at this time made in Kentucky, and the business was prosperous in Connecticut. The total value of silks imported in five years from 1821 to 1825, inclusive, was $35,156,494, of which $7,968,011 was exported. The exportation of breadstuffs, on the other hand, had fallen off from $20,374,000 in 1817 to $5,417,997 in 1825, in which year the silk imported reached the value of $10,250,000. The committee submitted a resolution, which was adopted on the 11th, directing the Secretary of the Treasury to cause to be prepared and laid before the House early in the next session, "a well-digested manual on the growth and manufacture of silk." The report of the Secretary, Richard Rush, was made in February, 1828, and six thousand copies of the report and manual were printed. This, with other measures soon after adopted by Congress for circulating information on the subject, first directed public attention strongly to the silk culture in the United States, which for several years "was presented with an enthusiasm," says Dr. Bishop, probably unequaled in our industrial history, and which proved ultimately injurious to the object it was designed to promote.

In 1829, handsome silk ribbons, in great variety, were manufactured in Baltimore from American silk. Silk to the value of $25,000 was made in Mansfield, Conn., chiefly by women and children. The first attempt in the United States to manufacture sewing silk by machinery was made at Mansfield this year by Captain Joseph Conant, afterward of the firm of Conant & Smith, Northampton, Mass., and Mr. Atwood, subsequently of the firm of Atwood & Crane, Mansfield, by whom the business was continued. After many losses and discouragements they succeeded in producing a good article. Silk pocket-handkerchiefs by Mr. Bryant, and other silk goods by James Rud, were exhibited at the American Institute Fair. A powerful interest in the silk culture was excited by some essays and experiments on American silk, published in July, 1825, at the suggestion of

John Vaughn, by Mr. D'Homerque, a practical silk manufacturer, of Marseilles, France, who had been invited to the United States by the American Silk Society of Philadelphia. He advocated, in connection with P. S. Duponceau, Esq., a filature system as the only effective means of promoting the silk culture, and their efforts were followed by the introduction, soon after, in Congress, of the famous silk bill, which was ultimately defeated, an experimental filature having in the meantime been started in Philadelphia by them in 1839.

The proceedings of the Chamber of Commerce published early in the year, in relation to American silk, state that a sample of silk reeled in Philadelphia by Mr. D'Homerque was assayed by a sworn and licensed assayer, and was declared to be of an extraordinary quality and admirably adapted to the uses of fabrication. . . . American silk is fine, nervous, good, regular, clean, of a fine color; in short, it unites all the qualities that can be wished for. Its value was estimated at twenty-six francs (five dollars) a pound.

Mr. Rapp, of Economy, Pa., who commenced the silk culture in 1828, and made from his first crop fifteen or eighteen yards of striped silk for female apparel and vestings, also made during the last year some black figured silk vestings and one hundred black silk handkerchiefs, which were wholly the product of his society from the worm to the looms.

The public interest in the silk culture continued to extend, and raw silk was produced in small quantities by individuals in many parts of the country. The Legislature of Massachusetts appropriated $600 for the printing of a manual on the silk culture for distribution throughout the State. The work, entitled "A Manual of the Mulberry Tree and the Culture of Silk," was prepared by Jonathan H. Cobb, of Dedham, Mass., an early cultivator of the *multicaulis*, and inventor of an improved silk reel, and contributed much useful information on the subject. In 1833, Congress ordered two thousand copies of this manual to be published for distribution to the members. By increased attention,

several persons, in 1833, succeeded in raising two crops of silk, some of which was exhibited at the Fair of the American Institute in New Yorrk. The *morus multicaulis* was used for the worms. A silk factory at Mansfield, Conn., under an English manufacturer, with swifts for winding hard silk, employed thirty-two spindles for soft silk winding, and two broad and one fringe silk loom. It had machinery enought to employ thirty broad looms and fifty hands.

During the next three years there was considerable progress in the silk culture in different parts of the country, and large profits were made by the sale of the young plants of that and other species and varieties of mulberry which, severally, had their advocates, and many were induced to engage in the "silk business," as it was called, and which a few years after degenerated into a mere speculation in trees to the permanent discredit of silk raising in the United States.

Silk societies and stock companies continued to be formed in different parts of the country. In Massachusetts a legislative bounty of ten cents a pound for cocoons, and one dollar for raw silk made in the State was offered April 11th, but only $85.20 was claimed during the year. Maine offered bounties of five cents for cocoons and fifty cents for raw silk, and New Jersey fifteen cents a pound for cocoons raised in the State for five years.

The general prosperity of the country was indicated by the importation in 1836 of silks—chiefly manufactured goods—to the value of $22,000,000, or more than double the average of former years. The total importations for the year amounted to $159,000,000, and averaged for the last three years $122,000,000 per annum, against an average of $70,000,000 annually for the five years under the tariff of 1828.

What was said to be the largest establishment for sericulture in the world was the property of a Mr. Physir, of Germantown, Pa., consisting of 400,000 mulberry trees and 1,000,000 silk-worms, a number he had expectations of increasing to 50,000,000.

On December 11, 1838, a convention of silk-growers was held in Baltimore, at which about two hundred delegates assembled, who elected Judge Comstock, of Connecticut, president. Resolutions were adopted to form a national silk society (which was organized the next year), and to issue an address to the people of the United States on the culture of silk. They also recommended the Piedmontese reel as the best in use that cultivators of the mulberry should give attention to the production of silk; that auxiliary silk societies be formed in the several States, and that another convention be held in Washington in December, 1839. Much practical information was given by members of the convention. Specimens of silk ribbons and galloons manufactured in three weeks from the tree and woven at the rate of three hundred yards a day by a young woman, after only three months' instruction upon a loom recently invented in Massachusetts, and certified by a silk merchant of thirty years' experience to be as good as he everr saw, were exhibited to the convention. The National Silk Society resolved the following day to establish a national silk journal, devoted to the advancement of the silk cause in the United States, the first number of which was issued in January, 1839.

(*To be continued.*)

POLITICAL AND PARTY ASPECTS OF THE NATIONAL JUDICIARY, 1789-1801

BY DON ENSMINGER MOWRY

UNDER the Old Confederation, there was no national judiciary. Congress was made a court of appeal in disputes arising between States. Congress might establish courts for the trial of pirates and felonies committed on the high seas. It could form itself into a court of justice when it desired, yet, it had no power of executing its judgment. It was only when national law began to operate upon individuals that there was real need for a national judiciary.

To establish a national judiciary with power to secure the supremacy of the general Constitution; to give such a judiciary specific authority that would make it recognized on unquestionable points of legality, over and above the state tribunals; to add to these peculiar powers the faculty of dispensing justice to foreigners; these were the objects, not easily attainable, which the framers of the Constitution considered with reference to the scope of the judiciary.

While it was resolved that the tribunal should consist of one court, and that the power of creating inferior courts should rest without abatement with the legislature, nothing was explicitly determined respecting jurisdiction. No other provision was made than that the jurisdiction should embrace cases arising under the laws of the United States, and that such jurisdiction should be appellate only. The trial of criminal offences, then, (except in cases of impeachment) was to be in the states where the crime was committed.

It becomes quite evident that the Constitution[1] was silent upon proceedings in equity and at common law. The general

1. Meigs, "Growth of the Constitution," p. 118, *et seq.*

plan was one which contemplated a supreme tribunal with original jurisdiction over a few specific cases within the Judicial power, and appellate jurisdiction over all other cases. Such cases as might arise under the Constitution and treaties of the United States had not been included in the general plan which seemed adequate for the establishment of a national judiciary.

"The conformity of the laws of Congress to the Constitution, then, could not be determined by the judicial power when drawn into question in a judicial proceeding."[2] A provision was added, however, which brought under the national judiciary all judicial cases proceeding directly from the Constitution, with the result that the proportions and efficiency of the tribunal was materially strengthened. The judiciary, then, was to take cognizance of every duty that the Constitution exacted, and of every right that it conferred.

The hidden sovereign power, thus bestowed upon the judiciary, was scarcely comprehended at the time of its conference. It even seemed to some that "the United States persented the extraordinary spectacle of a government destitute even of the shadow of constitutional power to enforce the execution of its laws."[1]

The judiciary was primarily to perform for the national governmental system what the state courts did for the states, and it may be safe to say that no other functions were seriously thought of or considered. Under this interpretation, the department was declared "supreme" with the other branches of the government.

The Constitution did not define the extent or prescribe the limits of the judiciary.[2] The judicial power was essentially whatever the time declared it to be. The independence and scope of the department could not be realized at the time of its establishment. It was only after a period of intense factional strife[3] that the real place of the judiciary was determined upon.

2. Curtis, "History of the Constitution of the United States," vol. II, p. 430.
1. See *The Federalist*, No. 21.
2. Boudy, "Separation of Government Powers," pp. 79-80.
3. Periods:
 1789-1816, Factional Strife.
 1820-1860, Class Struggle.
 1870-1900, Struggle for Popular Rights.

The Constitution could only vest the judicial power, outline its jurisdiction, assure its organization and leave the details of whatever judicial system might be thought best to the future.[4] So, the national judiciary was organized upon a working basis[5] by the Judiciary Act of 1789. Under this act judicial power was to be vested in one supreme court, and such inferior courts as Congress might from time to time establish.

It was a difficult and intricate subject to define and point out the authority of such a high tribunal so as not to interfere with the jurisdiction of the state courts on the one hand, and not to declare judicial decisions, which by implication of the Constitution, belonged to it, on the other.[1] But the Anti-Federalists saw in the supreme court "a sleeping giant" able to build up its own independence.[2] The active opposition to the Act at the time of its adoption, especially in the House, shows the distrustful attitude which was taken toward the number of the judges.[3]

According to *The Federalist,* by creating the judicial power equal with the other branches of the government, there would be a material interrelation and interdependence which could only secure the country against concentration of power.[4] It was held that the government derived its power from the great body of society, and not from any class. Jefferson, the democratic leader, insisted that all powers of government result to the legislative body.

However, the judiciary was regarded as the least dangerous department of the general government.[1] It was conceded that it had neither force nor will as the other organs, but possessed power of judgment only. It was then a general maxim that

4. Thorpe, "Constitutional History of the United States," Vol. II, p. 264.
5. Woodburn, "American Republic," p. 818.
1. Bradford, "Federal Constitution," p. 22.
2. Gordy, "Political Parties in the United States," Vol. I, p. 106.
3. In the controversy over the number of judges in the supreme court, the opinions of several of the members of the House will indicate the trend of thought: Livermore wanted only three associates; Jackson said above number would prevent decision, two and two; Benson wanted quick action; Gerry wanted to know whether it was essential that the chief justice should be on the bench in order to form a supreme court; Burke moved "chief justice" should be struck out; Sedgwick wanted law established so as to prevent frequent changes; Tucker wanted to divide the United States into districts, e. i. to institute inferior courts. (See Annals of Congress, old edition, pp. 812, 927, 938).
4. Merriam, "American Political Theories," p. 106 *et seq.*
1. *The Federalist,* No. 77.

"Judicis est jus dicere, non jus dare." The judiciary was to serve primarily as a check against the despotism of the legislature. Even then, the people were final authority and there seemed to be little need of reservations.[2] The whole scheme of securing liberty by constitutional restraint was, to the Federalist, a mistaken one. Political power belonged to the representatives of the people themselves.[3] It was the national rights philosophy that was at the bottom of the Federal Ideal.

Jefferson saw that the judiciary must be kept independent of the executive. "But how can we," he says, "expect impartial decision between the general government, of which they are so imminently a part, and an individual state from which they have nothing to hope or fear? They undermine independent rights of states and consolidate all power in the hands of that government in which they have so important a free-hold estate."[4]

The opponents of the Federalists,[1] the Democratic-Republicans, feared that the power granted to the new judiciary would enable it to overstep its jurisdiction. At the passage of the Act, however, they figured that there was a power—Congress—that would watch and restrain the judiciary.[2] While Jarvis considered that the judges were the ultimate arbiters of all constitutional questions. Jefferson asserted that such a method would place us under the despotism of an oligarchy. "If the judiciary is to be independent of the nation, the Constitution is but a thing of wax in the hands of the judiciary, which may be twisted and shaped into any form they please."[3]

Hamilton, on the other hand, was firm in his belief that only in the judiciary could an investigation of facts be had where parties could be heard and evidence produced on both sides.[4] He desired less restriction of the Constitution, in order to insure speedy trial and justice.[5] "I agree," he says, "that there is no liberty of the power of judging be it not separated from

2. *The Federalist*, No. 84.
3. *The Federalist*, No. 28.
4. Jefferson, Works, vol. I, p. 81 *et seq.* "They" refers to the Administration.

1. For origin of name see Gay, "Life of Madison," p. 90.
2. Jefferson, Works, vol. II, p. 152 *et seq.*
3. Jefferson, vol. VII, p. 134.
4. Hamilton, Works, vol. IV, p. 17.
5. Hamilton, vol. VII, p. 769.

the legislative and executive powers."[6] The Federal policy was not, however, in exact accordance with the ideas of Hamilton.

It was universally believed by the Federalists that the legislative, executive and judicial branches were co-ordinate, and that each was bound to support the Constitution, guarding it according to its own interpretation. The judiciary, moreover, familiarized itself most to the public attention, and therefore attracted the public confidence. While the three branches were equal in theory, it was expected that the judiciary would gain the most confidence and respect.[1]

In response to the argument that the judiciary would now hold itself independent of the legislature and become colossal and overbearing, capable of degenerating into a permanent tyranny, Hamilton says:

"The Constitution provided a safeguard in the authority of the House of Representatives to *impeach,* and the Senate to *condemn.* Judges are in a way amendable to public justice for misconduct. In the hands of the legislature is placed the weapon. Concede to the legislature and where is security of the judicial department?"[2]

President Adams strongly believed that a balance of power between the three great branches of the government was the only means of securing the country against tyranny.[3] He believed that the judicial power could not be relied upon to hold the balance between two contending powers because the legislature could undermine it.[1]

It was asserted by the Republicans that the judges, if rendered and kept strictly to their department, would merit great confidence for their learning and integrity.[2] But Jefferson could not be made to believe that the new judiciary would be kept independent by the Federalists. In his opinion the supreme court would be able, under a new regime, to build up its own independency. He considered the foundation of the Constitution as

6. *The Federalist,* No. 48.
1. Madison, Works, vol. IV, p. 349.
2. Hamilton, Works, vol. VII, p. 806.
3. Adams, Works, vol. IV, p. 186.
1. Adams, Works, IV, p. 196.
2. Jeffersonian Cyclopedia, p. 448.

laid on this ground: "That all powers not delegated by the Constitution, nor prohibited by it to the state, are reserved to the states or to the people. To take a single step beyond, to boundaries thus specifically drawn around the powers of Congress, is to take possession of the boundless field of power susceptible no longer of any definition."[3]

It can hardly be supposed that a man with little regard for the doctrine of implied powers, that held by the Federalists, would look with favor upon the establishment of the national judiciary. But at the time of the enactment of the Judiciary Act there were no party distinctions, for the old Federalists and Anti-Federalists had ceased to exist with the adoption of the Constitution.

After the adoption, a party arose that was opposed to the Federalists,[1] from first to last; a party that was always "Agin the government." Such men as Jefferson, Madison, Randolph, Rutledge and Dickinson, Federalists in 1789, were advocating democracy and incidentally laying the foundation stone for the Democratic-Republican party.[2]

But the so-called anti-federal element was weak, disorganized and feeble even until 1793. It was not until *The Federalists* began to excite hostility by their judicial interpretations that the opposition was able to become a noticeable factor in the affairs of the nation. Perhaps there was no greater cause than this for the overthrow of the federal power in 1801.

The Federalists naturally approved of all that was being done by the government, while the often called Federal-Republicans, e. i. Democratic-Republicans, were merely opposed to the men in office under the Constitution. In them they saw sure signs of monarchial feeling.[3]

That the limits and bounds of the judiciary were not clearly comprehended, is shown in the attempt of Congress (by the Pension Act) to direct the judges to hear petitions to be placed on the pension list. Although Chief Justice Jay[4] and his asso-

3. Gordy, "Political Parties," vol. I, p. 135.
1. This party retained its name.
2. Gordy, "Political Parties," vol. I, p. 92.
3. McMasters, "Constitutional History," vol. II, p. 49 *et seq.*
4. The Chief Justices have been: 1789-1795, John Jay; 1795-1801, Oliver Ellsworth; 1801-1835, John Marshall; 1835-1864, R. B. Taney; 1864-1874, S. P. Chase; 1874-1888, M. R. Waite; 1888——, M. W. Fuller.

ciates declared the Act unconstitutional because it placed non-judicial functions in the hands of the judiciary,[1] the decision excited little interest, for the judges signified their willingness to perform the functions not as judges, but as commissioners. The decision simply showed that the supreme court could declare statutes unconstitutional and void because of their non-judicial character.

The Bankruptcy Bill, which was nothing less than a party and class measure, excited some opposition in the Republican ranks. It assumed the right of seizing and selling lands, and so cut the knotty question of the Constitution whether the general government may direct the transmission of lands by discretion or otherwise.[2] The supreme court took no action on the matter and its silence gave the Democratic party a pretext for saying that the judiciary was unwilling to assert any prerogative which might draw odium on itself, or upon the new Constitution any additional shock.[3]

The positive strength of the new judiciary was shown when, in 1792, Alexander Chisholm, a citizen of South Carolina, brought suit against the State of Georgia in the supreme court. At the adoption of the Constitution, the common law doctrine prevailed that the State, being sovereign, could be petitioned, but not sued. The states were commonly understood to be the successors of the crown.[1] The supreme court, it was asserted, had only delegated power deriving whatever power it possessed from the people.[2]

Yet the supreme court, composed for the most part, of men favoring the Federal, broad construction policy, decided that under the Constitution a state could be sued by a citizen of another state. This act, on the part of the tribunal, established and determined the dignity of the court, and vindicated it from encroachment by the federal executive and legislative departments.

Hamilton, to give credence to the Federal view, asserted that

1. *American Law Review*, vol. XIX, p. 175 *et seq.*
2. Jefferson, Works, vol. III, p. 495.
3. *Chicago Legal News*, vol. XII, p. 420.
1. Thorpe, "Constitutional History of the United States," vol. II, pp. 270-1.
2. Powell, "Nullification and Secession," p. 52 *et seq.*

the constitutional provision only applied to actions brought by a state, not against it.[3] Jefferson, fully convinced of the growing power of the judiciary, considered it a very dangerous doctrine to consider the judges as ultimate arbiters of all constitutional questions. The Chief Justice himself said of the decision: "Then it was that the Constitution produced a new order of things. It derives its origin immediately from the people and the people individually are subject to the legislative, executive and judicial authorities thereby established."[4]

The question inevitably arose: Was there not now a union of the three branches of government to create a despotism and crush out all state and political opposition? The southern faction of the old anti-federal party was aroused. Were the states to be deprived of all power of effective resistance? How could the states be compelled to answer on compulsory civil process?[1]

The shock and surprise created by the decision of Jay and Wilson, caused the eleventh amendment to be almost unanimously passed at the first meeting of Congress thereafter. The amendment expressed "the ultimate sovereignty of the whole country superior to all legislatures and courts."[2] This dissenting opinion speedily became the basis of the Democratic party, and utterances of this party, year after year, finally resulted in the triumph of the party. The universal leader of this growing faction declared it of immense consequence that the states retain as much power as possible over its citizens. Withdrawing them under foreign jurisdiction was to him subversive of order.[3] What power was given to the judiciary to judge of the constitutionality of laws? It was believed that this was a matter for the legislature itself.

The early political view respecting the judiciary, then, was not that it was a sort of Vox Dei, declaring law void; but a mere branch of the party government that must hold its party platform above everything else. It was not claimed for some time that the judicial decisions bound the other departments, or fixed irrevocably the actual meaning of the Constitution.

3. Landon, "Constitutional History," etc., p. 253.
4. Willoughby, "Supreme Court," p. 45.
1. Bradford, "Federal Government," p. 67.
2. Thorpe, "Constitutional History," vol. II, p. 293.
3. Jefferson, Works, vol. IV, p. 200.

There was a deal of Republican folly and complaint from the Democratic societies connected with the Embargo Act, but it was the sending of the Chief Justice to make an English treaty that aroused popular feeling and indignation. The judicial tribunal was assuredly becoming a political office. What was the Chief Justice but an executive officer in his new role? Treaties were the supreme law of the land and of that law Jay was the Chief Justice. In such a government there could be no hope for a free people.[1]

The early[2] excise duties on liquor did not effect the judiciary until 1794-5, when the open violation of the peace of the country, resulting in the whisky Rebellion,[3] compelled the judges to step in and assert the rights of the general government. The State of Pennsylvania endeavored to assert that the federal courts had no right to interfere with state affairs. The Supreme Court held, however, in the various trials which resulted, "that to resist or prevent by armed forces the execution of a particular law of the United States is a levying of war against the United States and consequently is treason within the true meaning of the Constitution."[1]

Somewhat later the insurrection and trial of John Fries[2] emphasized the political truth that all constitutional acts of power in the judiciary have as much legal validity and obligation as if they proceeded from the legislature.[3]

The tax of carriages,[4] which did not tax each state equally, but according to proportional representation, was held to be constitutional by the judiciary.[5] Little open opposition was manifested, but the decision tended to arouse again the southern faction and may have had some effect upon the people of Kentucky and Virginia somewhat later.

How could the judiciary be kept separate from party politics, when the Federalists were bending all their energies to secure

1. McMasters, "Constitutional History," vol. II, p. 173 *et seq.*
2. March 1, 1791.
3. Lodge, "Hamilton," pp. 182-184.
1. Chase, "Answers and Pleas," p. 7.
2. Chase, "Answers and Pleas," p. 14 *et seq.*
3. *The Federalist*, No. 64.
4. Landon, "Constitutional History," p. 257.
5. *American Law Review*, vol. XIX, p. 187.

federal supremacy by means of the judiciary, and the legislature? It is clear that it could not be kept separate. The opportunity which offered itself was not overlooked by the Federalists in their eagerness to build up a "federal supremacy."

In 1796, Jefferson declared: "Most citizens remain true to republican principles in spite of the fact that the executive and judiciary, two of the three branches of the legislature, are against us."[6]

With Jefferson, the encroaching rights exercised by the judiciary must be stopped. This could only be accomplished by gaining political power. "We must join in the scramble or we will get nothing," he says. "The states must retain as much power over its citizens as possible. The withdrawing themselves under the shelter of a foreign jurisdiction is so subversive of order and so pregnant of abuse, that it may not be amiss to consider how far a law of praemunire should be revised and modified against all citizens who attempt to carry their cases before any other than the state courts."[1]

The final legal step which did more than anything else to bring about the downfall of the Federalists and make an important change in the judicial system, was the passage of the Alien and Sedition Acts.

By the Alien Act, the President could order all persons whom he thought dangerous to the peace and safety of the country, out of the land. It purported to render the judiciary auxiliary to the executive. The orders of the President were to be executed without recourse to the courts. Jury trial was denied. It was, in a word, an effort to build up a strong executive department at the expense of the judiciary.

The Sedition Act put a limitation upon the freedom of speech. It aimed to crush out Democratic opposition which was firmly and well organized. There was a question as to whether decisions relevant to sedition would come within the scope of the national judiciary. According to a decision (recently rendered) of the supreme court, the criminal jurisdiction of the United States courts did not include the common law. While libel and

6. See his Works, vol. IV, p. 139.
1. See his Works, vol. IV, p. 200.

sedition, common law offenses, could be exercised in state courts. The federal courts had no corresponding functions. A final conclusion was advanced in regard to the Alien and Sedition Laws, but it was not in favor of the Federalists.

Of these measures, Madison said: "We are passing through a grave crisis and it demands concerted action on the part of the Federal party.[1]

Jefferson was inclined to believe that the Acts were only experiments on the American mind to see how far it would bear an avowed violation of the Constitution. "If this goes down we shall see an act declaring that the President shall continue for life."[2]

The party principle is brought out in the words of Hamilton. "A law for restraining and punishing incendiary and seditious practices should be cognized in the United States courts. It is constitutional and politic to entrust such guardianship to courts of the United States. It ought not to be left to the states, always temporizing and sometimes disaffected."[3]

It was asserted, with truth, that the acts violated the rights of personal liberty[1] and infringed upon the state constitutions. Executive and judicial functions were plainly confused for the sole purpose of building up a strong executive department, that might be used for party plans and measures.

Jefferson's endeavor to strengthen the legislature, and thus destroy the executive power, were for a time of little avail. His efforts, however, did much to arouse interest, and aided materially in the formation of a thoroughly organized opposition. The growing power of the judiciary, and the control exercised over it by the Federal party, emphasized more and more upon the Democrats, that encroachments upon individual rights would become more frequent in the future.

While the theory held, to some extent, that the judiciary had no influence over the sword and purse; neither force nor will, only judgment;[2] it was clear to the Democratic-Republicans

1. Hunt, "Madison," p. 130 *et seq.*
2. Works, vol. IV, p. 244.
3. Hamilton, Works, vol. IV, p. 387.
1. Madison, Works, vol. VI, p. 524; also, Annals of Congress, pp. 1631, 1733.
2. Hamilton, Works, vol. VII, p. 808.

that, in order to insure non-partisan justice, active and aggressive methods must be employed to get control of the judiciary.

How could the judiciary be independent under federal control? When Adams urged that simple democracy was often exposed to fatal tumults, and that there never would be pure democracy,[3] what wonder that the Democrats were aroused! The "balancing of power" theory seemed to be working to the injury of the people.[1]

Party politics were materially strengthened as a result of the Alien and Sedition Laws. Truly, the Federalist became the party of political measures, while the opposition became the party of political principles. Thus the old theory is brought to mind, e. i. that the party out of office naturally and of necessity tends toward strict construction.

Jefferson did not hesitate to formulate a plan to demand the repeal of the "obnoxious" acts. The Kentucky resolutions were written by him,[2] and were closely followed by the Virginia Resolutions,[3] introduced in the legislature of that state by Madison. There were the first political landmarks fixed by the Democratic party.

Besides placing the idea of state sovereignty before the people on a firm and practical basis, these Resolutions brought forth clearly and exposed effectively the efforts of the Federal government to strengthen and consolidate under federal judicial control as much of the state judicial power as was allowable. The discussion arising as to the rights of any state to reject any act of the United States court, resulted in separating—even more distinctly—both parties, and forced the Federalists to affirm most emphatically the constitutionality of the Alien and Sedition Laws. Was law an experiment aiming to deprive the states and the people of their reserved constitutional rights?[1] Were not the resolves of the Kentucky and Virginia legislatures a just condemnation of the illegal steps taken by the executive

3. Merriam, "American Political Theories," p. 125.
1. *The Federalist*, No. 78.
2. See McDonald's "Select Documents."
3. See McDonald's "Select Documents." The Kentucky Resolution were introduced by J. Breckenridge.
1. Schouler, "History of the United States," vol. I, p. 422.

with the passive approval of the judiciary and the open approbation of the national legislative body?

Hamilton urged that the government should adopt vigorous measures to keep down public sentiment, and "surround the Constitution with more ramparts." What was meant by *more* ramparts if it was not the extention of the judiciary?[2] It was hoped that the judiciary would be independent, but Hamilton clearly saw that the judiciary must be extended by the Federalists. If neglected, he thought, the ground would be occupied by the enemy the very next session of Congress. He even went so far as to predict that the Senate would be democratic in two years.[3] He saw that by conceding to the legislature there could be no security for the Federal power.

Several federal judges were aristocratic. Samuel Chase had even become odious among his associates, for he was too ardent a partisan, trying cases like a political boss, seeking revenge, rather than the administration of the law and justice.[4]

These Jeffersonian resolutions, it may be repeated, were the direct resultants of the Alien and Sedition Laws, for the Republicans saw that the Federal judiciary was still Federal, and that the Federalists were bent on setting up a monarchy. Would Adams be made President for life?[1]

The principle of central control was nothing more than a machine. To make a final arbiter was to make the machine master, for the judiciary was not only a part of the machine, but its most irresponsible and dangerous part.[2]

The aggressive opposition to the federal judiciary caused a split in the Federal party, resulting in the moderate and the radical wings. The moderate wing favored a broad construction of the Constitution and included such men as John Adams, John Marshall, and men of the school of southern Federalists. The other wing was headed by Hamilton, and considered the country threatened by serious dangers.

Both wings saw that the party power was seriously involved

2. Works, vol. VI, p. 383.
3. Works, p. 483.
4. See Chase's Trial, vol. II, for further emphatic rehersal of his acts.
1. Brooks, "Short Studies in Party Politics," p. 29.
2. Adams, "Life of Randolph," pp. 35-6.

when the Presidential election in 1800 put the Democrats in possession of the executive and legislative branches of the general government. Steps were taken to retreat into the judiciary.[3] An increased federal judicial establishment, before the Democrats assume power next March, would be the only method of keeping the Federalists in control of the judiciary.[4]

The Judiciary Act of 1789 required that two judges of the supreme court should hold circuits. In 1793 it was thought that one justice would be sufficient. But the increased duties of the judges caused a bill to appear, in 1799, with the ultimate object of increasing the district courts and circuit judges. It was not until February 13, 1801, just before the going out of the Federalists, that the bill was passed empowering the President to appoint sixteen judges to federal district courts. While the judicial extension was more or less needed, the act was a party measure, enacted for the sole purpose of keeping federal judges in the new circuit courts thus created.

The Federal party meant to make its past stand, before retirement from active political affairs, upon the encroaching policy, so offensive to the states and the local courts, for the purpose of obtaining a general submission to the judiciary and compelling the Republican party to resort to Federal courts, so recently created, for judicial decisions. And in order to do this more effectually, an assertion was made that these courts had a common law jurisdiction in criminal offences.

The election of the "Midnight Judges" by President Adams, created a deal of opposition within the party ranks,[1] and gave the Republicans a pretext for bringing about the repeal of the Judiciary Act of 1801. The only judicial credit that can be given President Adams was his appointment of John Marshall to the Chief Justiceship in 1801, an act which has since tended to vindicate his stand, since Marshall has proven to be the greatest chief justice that has held the office.

With the Federalists it was a question of judicial extension or no power at all. The election was already lost. By the Act

3. *Atlantic Monthly*, vol. LXXXIII, p. 745.
4. *American Historical Review*, vol. V, p. 682.
1. Channing, "The United States of America," p. 157.

of 1801, new federal districts were created to the number of twenty-three. The supreme court was to contain but four associate and one chief justice after the next vacancy. Thus this circuit court act, which passed the Congress by a strict party vote, became law in less than three weeks before Jefferson entered upon the Presidency.

By one stroke,[1] the Jeffersonian majority in Congress caused the repeal of the act. An apt conclusion is that the Federal party lost its power when it assayed to rule the American people by its own effete maxims.

Yet, the independency of the judiciary, if it ever was independent during this period, was totally destroyed by the repeal of the Judiciary Act of 1801. It was repealed to prevent and give a death blow to the pretension of rendering the judiciary an hospital for decayed politicians. The Republicans were not strong, and the judiciary was hopelessly entangled in party politics. The Supreme Court was left untouched, in spite of the political elements that effected the judiciary. It was now for John Marshall, in his new Chief Justiceship, which lasted for some thirty-five years, to place the judiciary upon an independent basis and "carry the Constitution through that experimental period which settled the question whether it should stand or fall."[2]

1. *Atlantic Monthly*, vol. LXXXIII, p. 747.
2. Phelps, "Orations and Essays," p. 38.

WAR QUESTIONS IN WISCONSIN

BY F. C. WINKLER

IT is proposed in this chapter to give a brief survey of the legal history of the state of Wisconsin in so far as war questions, those connected with the causes of the civil war as well as those which arose in the course of its progress were concerned.

The earliest of these in point of time, and at the same time the most important, turned upon the fugitive slave law of 1850. Section 2 of article IV of the constitution of the United States contains the following provision, the only enactment found in the constitution upon the subject:

"No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

In pursuance of this provision, the Congress of the United States on the 12th of February, 1793, enacted two brief sections; one authorizing the owner of any such person so escaping to arrest him, bring him before a United States judge, or any state judge or magistrate, and prove to his satisfaction, by oral testimony or affidavit, that the person arrested owed service to the claimant under the laws of the state from which he had escaped, whereupon it was made the duty of the judge or magistrate to give a certificate that such proof had been made and this certificate was declared a sufficient warrant for removing the fugitive to the state from which he had fled. The second section provided a penalty of five hundred dollars for knowingly and wilfully obstructing the execution of this law, or harboring or concealing the fugitive after notice that he was a fugitive from labor.

The act of September 18th, 1850, one of the famous compromise measures of that year, was intended largely to increase the facilities for reclaiming fugitive slaves to place the machinery for executing its provision in the hands of federal officers. It gave exclusive jurisdiction to the judges of the United States courts and to court commissioners appointed by them over all cases arising under the act. It authorized an increase in the number of court commissioners and prescribed the mode of procedure with detail. It provided for a hearing before the judge or court commissioner and made the certificate, if one was granted, conclusive of the right of the claimant and of the fate of the accused. It admitted proof by affidavit on behalf of the claimant, but enacted that "in no trial or hearing under this act shall the testimony of such alleged fugitive be admitted in evidence." It very much increased the penalties and liabilities of persons who might resist the enforcement of the law or harbor or conceal the fugitive. It imposed strenuous duties, under severe penalties for neglect, on the United States marshals requiring them, under circumstances, to call out a posse comitatus to aid in the capture of a fugitive. It provided a fee to the commissioner hearing the case of ten dollars on granting the certificate to the claimant, but gave him five dollars only in case the proof failed to warrant the issuing of a certificate. Features unnecessarily irritating enhanced the unpopularity of an intrinsically distasteful law.

In March, 1854, Joshua Glover, alleged to be a fugitive held to service or labor in the state of Missouri, was arrested at Racine, Wisconsin, by the United States marshal by virtue of a warrant issued by the United States district judge. He was brought to Milwaukee and there lodged in jail pending a hearing. Excitement ran high. A crowd gathered at the jail, broke in the doors, set the alleged fugitive at liberty and he made good his escape. Sherman M. Booth, the editor of a pronounced anti-slavery paper at Milwaukee, had been concerned in the rescue. He was arrested for violation of the act of 1850 in having aided the prisoner to escape, upon a warrant issued by a United States court commissioner. Upon examination he was bound over to the next term of the United States district court. He gave bail, but

his bail surrendered him, and thereupon, by warrant dated May 26th, 1854, the commissioner committed him to the custody of the United States marshal.

The next day application was made to the Honorable Abram D. Smith, one of the justices of the supreme court of this state, for a writ of habeas corpus to the marshal of the United States. The writ was allowed. The marshal made return, setting up the warrant in his hands as justification. Mr. Justice Smith discharged the prisoner, giving his reasons in an elaborate opinion in which he held the act of September 18th, 1850, to be unconstitutional. He argued forcibly and insisted with emphasis that the constitutional provision referred to was in the nature of a mandate to the states only and conferred no authority whatever on Congress to legislate upon the subject. The case was taken to the supreme court of the state by certiorari. It was there argued with great thoroughness and ability. Mr. Byron Paine, afterwards one of the justices of the same court, appeared for Mr. Booth. Mr. J. R. Sharpstein, then United States district attorney, and Mr. E. G. Ryan, later chief justice of the court, represented the marshal. The court (then consisting of three judges) affirmed the order discharging the prisoner. The decision was unanimous. The grounds however on which the judges based their conclusions were not the same.

The judges were agreed in sustaining the right of the state judge to issue the writ of habeas corpus to the United States marshal, and upon this writ to enquire into and pass upon the sufficiency of a warrant issued by a United States court commissioner. Chief Justice Whiton yielded to the authority of the case of Prigg vs. Commonwealth of Pennsylvania, 16 Peters, 640, as establishing the constitutional authority of Congress to legislate upon the subject of reclaiming fugitive slaves, but held the act of 1850 to be unconstitutional on the ground that it attempted to vest judicial power, including the power to pass finally upon the question of liberty of the party claimed, in a court commissioner without constitutional warrant and in violation of the bill of rights. Mr. Justice Smith, while concurring in these criticisms on the law, reiterated his position that Congress was given no right of legislation on the subject, and that the act

was therefore void. Mr. Justice Crawford held the law to be valid and concurred in the judgment only on the ground that the warrant or commitment under which the arrest was justified did not upon its face show a case within that law. For a full report of this interesting case see 3 Wisconsin, I.

At the July term, 1854, of the United States district court for the district of Wisconsin, Sherman M. Booth and John Rycraft were indicted for aiding the escape of Glover, and warrants were issued from that court for their arrest to answer the indictments. Application was then made by Mr. Booth to the supreme court for a writ of habeas corpus, with allegation that the indictments charged a violation of the fugitive slave law, which was averred to be unconstitutional. This application was unanimously denied by the court. Chief Justice Whiton, delivering the opinion, took a distinction between a warrant of a court commissioner and a warrant issuing from the court upon a case pending therein, holding that in the latter case the granting of the writ would be an unwarranted interference with the jurisdiction of the court in which the indictment is pending. Mr. Justice Smith delivered a concurring opinion, in which he emphasized the time of the application as an objection to granting it, the jurisdictional question not having been first presented to the court in which the indictment was pending. Ex parte Booth, 3rd Wisconsin, 145.

Mr. Booth and Mr. Rycraft were thereafter tried in the United States district court and convicted of violation of the "fugitive slave act" and were sentenced to a short imprisonment in the county jail of Milwaukee County. A writ of habeas corpus was now again applied for to the supreme court of the state, upon a petition which was accompanied by a transcript of the record of conviction. The writ was granted. The sheriff of Milwaukee County, as custodian of the jail, made return, and the United States marshal, protesting against the jurisdiction, also made return of the facts and the record. The court entered judgment discharging the prisoners. The question chiefly discussed on the case was that of the power of the state court to enquire into and pass upon the question of jurisdiction of a federal court in a case which the latter had assumed to adjudicate. Each

of the three judges delivered an opinion. Each held to the right of the state court on habeas corpus to pass upon the jurisdiction of the federal court. All concurred, although on varying grounds, that want of jurisdiction appeared on the face of the record. In *re* Booth & Rycraft, 3rd Wis., 144.

To review the judgments discharging the prisoner, writs of error were issued by the supreme court of the United States and duly served. To the first writ, return seems to have been made without attracting special attention. When the writ was served in the second case, the supreme court of the state directed its clerk not to make return to it, taking the position that an appeal or writ of error did not lie from a state court to the supreme court of the United States, and that the act of Congress authorizing the same was unconstitutional. The attorney general of the United States had, however, obtained a transcript of the record from the clerk of the supreme court of Wisconsin, and when it was found that that court persisted in its refusal to allow a return to be made, the cause was docketed on the filing of this transcript in the supreme court of the United States and the cases were argued in due course. The supreme court, by unanimous decision embodied in an able opinion of Chief Justice Taney, reversed the judgment of the supreme court of Wisconsin. The chief justice arraigns the supreme court of the state with severity for the extraordinary assumption of annulling the sentence of the federal court by its decision of the writ of habeas corpus and then denying the right of review to the supreme court of the United States, thus placing the state court in a position of supremacy, the result of which must be that the federal courts must exercise their jurisdiction subject to the supervision, as to jurisdiction, of the local court in every state. The opinion presents a strong argument on the national side of the old controversy relating to the respective rights of the general government and the states, and a lucid exposition of the relations between them.

Several years had elapsed since the decision of the state court, and when the cases came to that court again its personal had entirely changed. Luther S. Dixon was chief justice, Orsamus Cole and Byron Paine, the associates. Of these, the latter

had been counsel for Booth, and Mr. Justice Cole had been a member of the court when it refused to make return to the writ of error and had concurred in that action. The cases now (June term, 1859) came in the form of motions to file the mandates of the supreme court of the United States reversing the judgments on the writs of error. Mr. Justice Paine, having been of counsel for Booth, did not sit. Mr. Justice Cole, although delivering no opinion, adhered to the view taken when a return to the writ had been refused. Chief Justice Dixon gave the subject careful and elaborate consideration. In an able argument, he asserted the jurisdiction of the supreme court of the United States to final arbitrament where federal questions are involved and contended that the mandates should be received and heeded. In view of the difference between the two judges who acted in the case, no affirmative action could be had and the motion was denied. Ableman vs. Booth, II Wis., 498. In March, 1860, Mr. Booth, who, after the decision of the supreme court of the United States, had been re-arrested, made another application for a writ of habeas corpus to our supreme court. This was denied, Mr. Justice Paine not sitting in the case and the chief justice and Mr. Justice Cole being divided in opinion. II Wis., (Vilas & Bryant's notes) 555.

Herewith the great judicial controversy, growing out of the fugitive slave law, in which such extreme grounds were taken, came to an end.

Mr. Justice Paine was first elected to the supreme court in 1859. He was elected on a pronounced state rights platform. He had been Mr. Booth's great advocate. After the close of the war he had occasion in several judicial opinions to refer to the subject of these decisions. In Knorr vs. Home Insurance Co., 25 Wis., 143, he delivered a dissenting opinion, holding that the constitution of the United States contained no warrant for acts of Congress giving either appellate jurisdiction from a state court to the supreme court of the United States or the right of removal of suits from state courts to federal courts. He admits in his argument that under his view of the law there is no arbiter to decide between the respective claims of state and national authority; also that there ought to be such an arbiter and

that the supreme court of the United States would seem to be the proper tribunal; but contends that proper construction of the constitution as it stands does not admit of the granting of these powers. In the course of his opinion the learned Judge says:

"I am aware that the idea of state rights is at present exceedingly odious and unpopular. It is branded as a legal and political heresy, and held directly responsible for the attempt as a secession with all its disastrous consequences. But the two claims are entirely distinct and dissimilar. "Secession is revolutionary; state rights not. Secession seeks to withdraw and overthrow the powers admitted to have been delegated to the federal government. State rights make no such effort. Secession throws off entirely all obligation under the constitution of the United States. State rights throws off none of that obligation, but concedes that that constitution and laws made in pursuance of it are the supreme law of the state, and that it is the sworn duty of its tribunals to regard and enforce them as such. . . . These fluctuations in the popular feeling and opinion can have no legitimate influence upon the legal interpretation. Nor can they make it true, that, under our system of divided sovereignty, it is not a question of the gravest delicacy and importance, and, at least, of doubt, whether the states, the original sovereignties, hold their reserved powers wholly subject to the judgment of the federal court."

Shortly afterwards an application for a writ of habeas corpus on behalf of a minor, alleged to have been enlisted in the United States army in violation of law, was addressed to the supreme court. Here Mr. Justice Paine delivered the prevailing opinion of the court, Chief Justice Dixon dissenting, to the effect that the court had jurisdiction to enquire into the legality of the petitioner's restraint of liberty. He discusses the decisions in the Booth case, both state and federal, and argues chiefly in favor of initiative jurisdiction, conceding the power of the supreme court of the United States to review a state court decision, involving a federal question, to be now settled upon authority. In *re* Tarble, 25 Wis., 390.

This well reasoned opinion goes far to convince us that the position of our supreme court in the Booth cases would have been far less indefensible if to the assertion of the right to enquire

into the jurisdiction of the United States District Court on habeas corpus it had not added the claim that its decision was final and beyond review by the supreme court of the United States, "which", as Mr. Justice Paine concedes, "was, in truth, contrary to the entire current of authority." 25 Wis., 407.

In *re* Tarble was taken to the supreme court of the United States and there reversed, that tribunal laying down the general principle that "whenever any conflict arises between the enactments of the two sovereignties, or in the enforcement of their asserted authorities, those of the national government have supremacy until the validity of the different enactments and authorities are determined by the tribunals of the United States;" and that a state judge has no authority to entertain a writ of habeas corpus "for the discharge of a prisoner held under the authority, or claim and color of authority, of the United States by an officer of that government;" that whenever it appears in such a proceeding, "that the party is held by an officer of the United States under the authority, or claim and color of authority of the United States," the state judge can proceed no further.

Chief Justice Chase dissented, holding fully to the view that a state court has the right to enquire into the jurisdiction of the federal court upon habeas corpus, and to discharge when satisfied that the petitioner for the writ is restrained of his liberty by the sentence of a court without jurisdiction; and that if error is committed in such discharge its remedy is found in the appeal allowed to the supreme court of the United States.

The decision, it is believed, has been unanimously accepted as finally settling the law upon the subject. It doubtless curtails the powers which have generally been exercised on writs of habeas corpus, but this curtailment is held to arise out of the peculiar relations between the state and federal governments and the necessity of a tribunal to determine the boundary line. A government is necessarily the judge of its own powers and the United States government, being supreme within its limits, must have power to determine those limits.

The state rights agitation over the fugitive slave did not confine itself to the court rooms of Wisconsin. How it invaded politics and dominated the action of parties, it is not within the scope

of these pages to trace; but as early as 1857 the legislature took it in hand. It enacted one of the so-called "personal liberty" bills, then quite common in the northern states. This act (chap. 8, approved Feb. 19th, 1857) made it the duty of district attorneys, whenever any inhabitant of the state was arrested or claimed as a fugitive slave, to use lawful means to protect and defend him and procure his discharge. It provided that the application of any district attorney, stating that a person was arrested and claimed as a fugitive slave, should be sufficient authority to authorize a writ of habeas corpus; that if upon hearing of a writ of habeas corpus the person claimed as a fugitive slave was not discharged, he should have the right to an appeal to the circuit court; that on such appeal either party might have a trial by jury; that the claim of such person being a slave should not be deemed proved except by the testimony of at least two credible witnesses testifying to facts directly tending to establish the truth of such claim; that any person who upon any trial arising under the act should falsely represent or pretend that any person was or is a slave, should pay a fine of one thousand dollars and be imprisoned not less than one year; that on trial of any prosecution arising under the act no deposition should be received as evidence; that no judgment recovered against any person for any neglect or refusal to obey the fugitive slave law of 1850 or any of its provisions should be a lien on any real estate within the state, or should be enforcible by the sale on execution of any real or personal property, but that all such sales should be void. This act remained on our statute books until 1862 when the essential features of it were repealed.

(*To be continued.*)

RUFUS PUTNAM TO GENERAL WASHINGTON

BY MARY D. STEELE

FOLLOWING is a copy of a letter written by General Rufus Putnam to General Washington, calling his attention to the extraordinary services and claims of Captain Goodale of the then Fifth Massachusetts regiment, and which, it is supposed, led to his promotion to a majority. Major Goodale was one of the early settlers at Marietta, Ohio, and about the year 1790, while at work on his farm at Belpre, near Marietta, was taken prisoner by the Indians, and died in captivity. Doctor Lincoln Goodale of Columbus, Ohio, was a son of Major Goodale, and was a surgeon in the army at Detroit at the time of Hull's surrender; there he learned from the Indians that his father died of fever, near Sandusky, Ohio, a few months after his capture. This copy is taken from the original copy of the letter, made by General Putnam. It is on file in the library of Marietta college.

Massachusetts Huts, June 9, 1783.

Sir: I do myself the honor to enclose a letter received, a few days since, from Captain Goodale of the Fifth Massachusetts regiment. I confess I feel a conviction of a neglect of duty in respect of this gentleman. That I have not till this moment taken any measures to bring his services to public view has been owing to the confidence I had that General Gates would have done it, as the most extraordinary of them were performed under his orders, and as he gave repeated assurances that they should not be forgotten. I am sorry that General Gates is now out of camp, for were he not I should appeal to him on the subject, but as I am sure so worthy a character and such important services ought not to be burned in oblivion or pass unrewarded, I beg your excellency's patience a few moments while I give a short detail of them:

Captain Goodale was among the first who embarked in the common cause in 1775. He served that year as a lieutenant in the same regiment with me. I had long before known him to be a man of spirit, and his probity and attention to service soon gained him the character of a worthy officer. In 1776 he entered again as a lieutenant, but served with me the most of the year as an assistant engineer, and the public are much indebted to him for the dispatch and propriety with which several of the works about New York were executed.

In the dark month of November, 1776, Mr. Goodale entered service as a captain in the regiment under my command, and was in the field early in the next spring. But although he always discovered a thirst for enterprise, yet fortune never gave his genius fair play till August, 1777. It is well known into what a panic the country, and even the northern army were thrown on the taking of Ticonderoga. When General Gates took command in that quarter our army lay at Van Saik's (?) island. Mr. Burgoyne, with the British encompassed by his black wings and painted legions, lay at Saratoga. The woods were so infested with savages that for some time none of the scouts who were sent for the purpose of obtaining prisoners or intelligence of the enemy's situation succeeded in either. General Gates, vexed at continual disappointments, desired an officer to procure him a man that would undertake, at all hazards, to perform this service. Captain Goodale being spoken to, voluntarily undertook the business, under the following orders from General Gates:

"Sir: You are to choose out one sergeant and six private men and proceed with them to the enemy's camp, unless you lose your life or are captured, and not return until you obtain a full knowledge of their situation."

Captain Goodale, in the report of the scout, says "that it was not performed without great fatigue, as the party was much harassed by the Indians, which occasioned their being in the woods three days without provision." However, he succeeded beyond expectation. First throwing himself between their outguards and camp, he examined their situation very fully, and brought off six prisoners, with which he returned to General Gates without any loss whatever. This success induced General

Gates to continue him in that kind of service. A full detail of all the intrigue, address and enterprise which he discovered during the remainder of that campaign would make my letter quite too long. It may be enough to observe that before the capture of the British army one hundred and twenty-one prisoners fell into his hands. But as Captain Goodale is no less brave and determined in the open field when opposed to regular troops, than he is artful as a partisan of the woods, I beg your patience while I recite one instance of this kind:

A day or two after Mr. Burgoyne retreated to Saratoga in a foggy morning, Nixon's brigade was ordered to cross the creek which separated the two armies. Captain Goodale, with forty volunteers, went over before the advance guard. He soon fell in with a British guard of about the same number. The ground was a clear plain, but the fog prevented their discovering each other till within a few yards, when both parties made ready at nearly the same time. Captain Goodale, in this position, reserving his fire, advanced immediately upon the enemy, who waited with a design to draw it from him, but he had the address to intimidate them in such a manner, by threatening immediate death to any one who should fire, that not more than two or three obeyed the orders of their own officer when he gave the word, and the event was that the officer and thirty-four of the enemy were made prisoners.

These, sir, are the services which Captain Goodale and his friends believe have merited more attention than has been paid to them, and at least merit a majority as much as Major Summer's unsuccessful command of a boat a few months on Lake Champlain. But if the tables were reversed, and the ill luck of a brave man should be the only recommendation to promotion, Captain Goodale, I believe, has as great pretensions as most men, for he is the unfortunate man who commanded about forty white men, and being surrounded by about the same number of Indians, fought more than a thousand of the enemy below Volunteers' Hill, in 1778, till near two-thirds were killed and himself and most of the rest made prisoners. I mention this only to show his bravery, for he takes no merit for that action. He always lamented the necessity he was under from the orders he

received to do what he did. In writing to me on the subject, he says: "At this time that a number of brave men were sacrificed to bad orders, is true, but as they were not my orders, I hope the candid do not censure me."

Having stated these facts, I beg leave to request your excellency will lay them before the honorable congress, and shall esteem myself exceeding happy if your excellency shall find so much merit in Captain Goodale's services as to engage your patronage for his promotion to a majority.

N. B.—Captain Goodale is now the third captain in the Massachusetts line.

AMERICAN HISTORICAL MAGAZINE

VOL. 3 MARCH 1908 NO. 2

EARLY MASSACHUSETTS NEWSPAPERS

BY LYMAN HORACE WEEKS

WHEN the great movement of the American pioneers to the new world started in the early years of the seventeenth century, newspapers were just coming into existence in Europe. The printing of books had been in progress for something more than two centuries, and a little more than one hundred years previously there were certain news pamphlets, particularly in Germany, which, if not exactly newspapers, were at least news publications. The authenticated history of newspapers—that is of periodical prints of the news of the day—begins with the *Frankfurter Journal* of Frankfort-on-the-Main in 1615. The first real newspaper in England, and the third established in the world, was the *Weekly News,* the first issue of which was May 23, 1622. It was published by Nicholas Boone and Thomas Archer in London. Shortly afterwards this was followed by others and the next half century saw a considerable and constantly augmenting journalistic activity in England.

Among those who came to the Massachusetts Bay Colony between 1630 and 1650, were many well educated men, such as Winthrop, Hooker, Mather and others of that stamp. It has been said that among these early settlers were nearly one hundred who had been educated in the Universities of Cambridge and Oxford. Naturally they brought books with them, not great in number, but still sufficient to show the intellectual quality of the founders of the colony. John Harvard of this period, gave three hundred and twenty volumes as the foundation of the library of Harvard College, and Governor Winthrop added to this collection. But however familiar they may have been with books, the newspaper was unknown to them.

Very soon after they had succeeded in establishing themselves in their new home the colonists began to feel the need of

printing facilities of their own, not finding it convenient to depend indefinitely upon England for such books as they might need. In 1638 the Reverend Mr. Glover started from England with a printing press to be set up in Massachusetts and with him was an apprentice, Stephen Daye. Mr. Glover died on the voyage across the Atlantic, but Daye arrived safely in Massachusetts and soon set up in Cambridge the press that he brought with him. John Winthrop, in his "History of New England," Vol. I, page 348, under date of March, 1638-1639, wrote:

"A printing house was begun at Cambridge by one Daye, at the charge of Mr. Glover, who died on sea hitherward. The first thing which was printed was the freemen's oath; the next was an almanac made for New England by Mr. William Peirce, mariner; the next was the Psalms newly turned into metre."

The "Psalms" referred to above was the celebrated Bay Psalm Book. From that time on during the next half century several printers were busy in Boston and Cambridge. They published over three hundred separate works, books and pamphlets, most of them being of a religious character, almanacs, or the laws and official documents of the colony. A few volumes relating to the founding and the growth of the colony were also published. An edition of Bunyan's "Pilgrim's Progress" was printed in 1681.

For three-quarters of a century the colonists continued to be wholly without home newspapers. During that time journalism was gradually developing in Europe. Up to the beginning of the eighteenth century three newspapers had been started in London, two in Edinburgh, two in Paris and one each in Frankfort, Antwerp, Stockholm and Worcester; but on this side of the Atlantic there was less demand for news publications of a local character. The fledgling communities were small, and it was not difficult for news to be disseminated from mouth to mouth, or by manuscript letters. Sending news by means of personal letters was of course early in vogue, as they had been in the old country and there continued until long after the newspaper had come into being. One of the earliest productions of this description was the letter which Governor Thomas Dudley sent from Massachusetts to the Countess of Lincoln, written, as



he said, "rudely; having yet no table nor other room to write in, than by the fireside in this sharp winter."

Letters from those in one settlement or town to relatives or friends in other settlements in different parts of New England were numerous and gave the colonists all the general information that they cared for in regard to what was going on. As the towns and cities grew in size, the need for something of a broader and more formal character than these purely personal communications began to be recognized. Copies of the London newspapers came from the old home and were sufficient to whet the appetites of the people for something of the same kind in their own communities. Written letters sometimes took on a more official character than before, another evidence of the growing desire for news information, among the people generally. Toward the latter part of the seventeenth century, John Campbell, who was then postmaster of Boston, was in the habit of sending written letters quite regularly to the governors of the several New England colonies, giving therein the news of what had happened in Boston, and the latest items that he was able to gather from the ship captains who had lately come into the port of Boston, and from other sources.

Occasionally, there was important news with which it was deemed desirable the people generally should become acquainted. Then broadsides were printed and distributed. Such for example was the broadside entitled "The Present State of the New-English Affairs of 1689," which contained the report of the Reverend Cotton Mather, concerning the result of his mission to London, whither he had gone in the interests of securing a new charter for the Massachusetts Bay Colony. Another broadside of similar purpose was that in which was republished Admiral Russell's letter to the Earl of Nottingham, describing the victory of the English and Dutch fleet over the French fleet in May, 1692.

These manuscript news-letters and broadsides were precursors of the newspaper, although they were in no sense real newspapers, lacking the essential element of periodicity and continuity. It was in September, 1690, that the first attempt was made to establish in America a newspaper,—that is a publi-

cation to be issued at regular intervals. This was *Public Occurrences,* which came out in Boston but lived only through a single number, being suppressed by the government of the colony. Interesting references to this publication appear in the diary of Chief Justice Samuel Sewall, volume I, page 332, as follows:

"September 25 (1690) A printed sheet entitled publick Occurrences came out, which gives much distaste because not Licensed, and because of the passage referring to the French King and the Maquas [Mohawks]. Oct. 1 Print of the Governor and Council comes out showing their disallowance of the Publick Occurrences. Oct. 2. Mr. [Cotton] Mather writes a very sharp letter about it."

Again Judge Sewell, in his "Letter Book," volume I, page 112, under date of September 25, 1690, refers to "the first sheet of Occurrences, which came out this day."

Subsequently, in 1703, the letters of John Campbell, before referred to, were written and distributed. In the following year Campbell had made up his mind that the time was ripe for the presentation in printed form of the news which heretofore he had endeavored to disseminate in his manuscript letters. In April, 1704, he began the publication of the *Boston News-Letter,* the first newspaper started in America that succeeded in maintaining a permanent existence, and the second newspaper to appear, holding that *Publick Occurrences* was intended as a periodical publication and would have been so continued had the authorities not suppressed it.

Concerning the *Boston News-Letter* Judge Sewall wrote, volume II, page 100.

"April 24, 1704. I went to Cambridge to see some books of the Revelation, and there met with Mr. Piquet. Went into Hall and heard Mr. Willard expound Rom. 4, 9, 10, 11 and pray. I gave Mr. Willard the first *News-Letter* that ever was carried over the River. I came home with Mr. Adams."

For nearly fifteen years the *Boston News-Letter* alone occupied the journalistic field in the Massachusetts colony. On December 21, 1719, William Booker, who was then postmaster of Boston, published the first issue of the *Boston Gazette,* which

was the next Massachusetts newspaper, and from that time on journalistic activity developed rapidly in the colony. The *New England Courant*, started in 1721, the *New England Weekly Journal* in 1727, the *Weekly Rehearsal* in 1731, the *Boston Post Boy* in 1734, the *Boston Evening Post* in 1735, the *Independent Advertiser* in 1748, the *Boston Chronicle* in 1767, the *Essex Gazette* of Salem in 1768, the *Massachusetts Spy* in 1770, the *Censor* in 1771, the *Essex Journal and Merrimac Packet* in 1773, the *New England Chronicle* in 1775, the *Continental Journal* in 1776, the *American Gazette* of Salem of 1776, the *Independent Ledger* in 1778, the *American Herald* in 1781 and the *Massachusetts Gazette* in 1782; these were the most important publications in Massachusetts during the first four decades of the century. Others flourished during the same period from 1704 to 1780, but for the most part they were of minor importance; some of them were simply variants of the leading newspapers which have just been referred to, under different titles.

The contents of these newspapers were of widely diversified character, although they were little like their successors of the present day. In the beginning, to a very considerable extent, their columns were filled with news reprinted from the London newspapers, as, for example, accounts of happenings in Europe, reports of parliamentary proceedings, addresses of the crown to parliament, and so on. In addition were many letters from correspondents discussing public affairs. Especially as the Revolution approached, the newspapers were largely made the vehicle of communication between the leaders of that day and the general public. There was some correspondence from other colonies and a little local news, although the attention that was given to local happenings was generally negligible. Also advertisements, news of port arrivals, importations, and so on, were printed,—small paragraphs and few of them.

Several accounts of the provincial Massachusetts newspapers have been written. The earliest was "A Narrative of the Newspapers Printed in New England," the authorship of which was ascribed to "A. Z.," who was the Reverend John Eliot. The narrative was printed in the "Massachusetts Historical Collections" for 1798 and 1799, volume V, page 208, and volume VI,

page 64. Isaiah Thomas, who was one of the noted printers of Massachusetts in the latter half of the eighteenth century, wrote and published a very extended account of these newspapers for his "History of Printing in America," published in Worcester in 1810. Much of the information that he gave was from personal knowledge and it has been really the basis of most that has been done in that line since his day. His account terminated with the beginning of the Revolutionary War. His work was reprinted by the American Antiquarian Society of Worcester in 1874.

"Specimens of Newspaper Literature" by Joseph T. Buckingham, contains in its first volume much interesting matter upon this subject, some of it manifestly taken from Isaiah Thomas, the other parts of it of original research. This work was published in Boston in 1850. Frederick Hudson's "Journalism of the United States from 1690 to 1872," published in New York in 1873 also contains some accounts of these newspapers, but it is for the most part second hand information. Hudson reprinted the single copy of *Public Occurrences* and his reprint is noticeable for the superservicable scrupulousness with which he expurgated certain matter in that periodical which he seemed to think might be offensive to the reader, even though he sacrificed historical accuracy thereby. In "The Memorial History of Boston," published in 1881, the article on "The Press and Literature of the Provincial Period" by Delano A. Goddard, "Pulpit, Press and Literature of the Revolution," by the same writer, and "The Press and Literature of the Last One Hundred Years" by Charles A. Cummings, give additional information upon this subject. In the tenth Census of the United States, published in Washington in 1884, was the "Newspaper and Periodical Press of the United States" by S. N. D. North.

Of later date, 1895, has come the admirable work of William Nelson, of Paterson, New Jersey, entitled "Archives of the State of New Jersey; first series, volume 12. Some account of the American Newspapers, Particularly of the Eighteenth Century, and Libraries in which they may be found. Part II—Massachusetts." This account reviewing as it does the old newspapers of all the colonies, is the latest and remains as yet

the most complete historical compilation of its kind that has been made. It treats exhaustively of the early Massachusetts newspapers, reprinting the headlines and reproducing some of them in fac-simile. More recent than the work of Mr. Nelson is that which has been brought out in the "Publications of the Colonial Society of Massachusetts," being volume IX, 1907, of those publications. This is entitled "Check List of Boston Newspapers, 1704-1780" by Mary Farwell Ayer with Bibliographical Notes by Albert Matthews. As its name indicates, this is a check list, showing in what principal libraries of the United States the issues of the provincial newspapers, so far as they are known to be in existence are preserved. It is a work of incalculable value and indispensable to every student of the eighteenth century journalism of Massachusetts. The Bibliographical Notes by Mr. Matthews, constitute by far the most interesting and most valuable and most scholarly historical account of the newspapers including in the period covered that has yet been printed. It has left little to be done by any future historian or compiler, except the actual reprinting of the contents of these papers.

This reprinting has now been undertaken at the suggestion and with the endorsement of members of the New England Historic Genealogical Society, of the Massachusetts Historical Society, and of other historical organizations.[1] The work as now entered upon, provides for the compilation and publication of a digest of all items of personal reference and of historic events and documents printed in these newspapers of the Provincial Period, and it has the approbation of librarians, scholars and others interested in the preservation of all that pertains to the domestic affairs and public doings of the American founders.

1. "An Historical Digest of the Provincial Press, Being a Collation of All Items of Personal and Historic Reference Printed in the Newspapers of the Provincial Period from the Appearance of 'The Present State of the New-English Affairs,' 1689, 'Publick Occurrences,' 1690, and the First Issue of 'The Boston News-Letter,' 1704, ending with the Close of the Revolution, 1783." Illustrated. Massachusetts Series, Volume One. Compiled and Edited under the Direction of Lyman Horace Weeks, Author of "Prominent Families of New York," "Book of Bruce," etc., and Edwin M. Bacon, Author of "Historic Pilgrimages in New England," "The Connecticut River and the Valley of the Connecticut," etc. This work has been copyrighted by Lyman Horace Weeks and all rights are reserved. It will be published by the Society Americana, Boston, where all inquiries to the editors or publishers should be addressed.

Quoting from the prospectus of this work:

"The importance of such a compilation is indisputable, and in the experience of investigators is constantly emphasized by the inadequacy and inaccessibility of the information relating to this formative period in American history. Many of the old town and church records previous to the beginning of the nineteenth century have disappeared. That valuable documents and papers were carried away from Boston at the time of the Evacuation is well known. Not even the town records of Boston, and of other cities and towns,—the minutes of the town meetings, of the selectmen, and of other proceedings,—or the records of probate courts and of the registers of deeds, are complete; and in Boston and elsewhere many vital statistics are lacking. In numerous instances no records were kept; in many others the records have been lost or destroyed. The publication of the ancient town records and other documents by the city registrar of Boston, and the Massachusetts Vital Records by the New England Historic Genealogical Society particularly disclose this condition.

"By students of our colonial period it is recognized that the early newspapers preserved a great amount of material, nowhere else to be found, in reports of local events, in official documents and other papers, and in personal items relating to the daily lives of the people and to the activities of the communities then developing. Such information is incontestably valuable to the historian, the genealogist, the student, the lawyer, the judge, the conveyancer, and others, both from the literary and the practical view, serving to illuminate much that otherwise would remain obscure, and furnishing vital data concerning both public and private affairs of that period. Also in the special field of literature much is discoverable in the columns of these old newspapers and magazines that is of peculiar interest and value to the investigator into literary usages, the origin of words, terms and phrases which have worked their way into the common language.

"While all this information thus to be collected and preserved will supplement other records and meet deficiencies existing in them, it will particularly include an abundance of matter that is of distinctive character and has not heretofore been collected, bearing upon such subjects as—port statistics, events local and colonial, importations, business pursuits and ventures, passenger arrivals and departures, residences, real-estate transactions, wills, court and administrative affairs, public proceedings, and so on,

"The various items comprised in the Digest will be arranged in chronological order under the names of the newspapers from which they are taken, with dates of issue and abbreviated reference to the libraries in which the different issues are now preserved. All the personal items, reports of events, and historical documents that have never been reprinted and that constitute the bulk of the data to be drawn upon, will be reproduced entire or in copious abstracts. Such documents and historical papers as may have been already reprinted in collections of historical and antiquarian societies or in standard works of history will not always be reproduced in full, but will be briefly abstracted and reference made to those works wherein they can be readily consulted. In its entirety 'An Historical Digest' will be a complete abstract, or an index, to all that was printed in the Provincial newspapers of the period included in review. It is intended that the work shall largely obviate the necessity of consulting the originals save, perhaps, in exceptional instances by scholars, and place all this material, now widely separated, once for all in compact form, wholly available for the widest private and public use."

It has been calculated that the total number of issues of the newspapers to be included in this compilation were about 14,000. Some 12,500 copies are known to be in existence at the present time. Most of these are preserved in the library of the American Antiquarian Society of Worcester, Massachusetts, the Boston Atheneum Library, the Boston Public Library, or the library of the Massachusetts Historical Society in Boston. The New York Historical Society has in one bound volume nearly a complete file of the *Boston News-Letter* from 1704 to 1708 inclusive, several numbers however being missing. This was presented to the society by George Bruce, the famous type-founder and a member of the Society.

But many of the copies of these early periodicals that have been preserved are scattered in libraries in different parts of the country. No single library has a complete set of any one of them. To consult all existing numbers the investigator must have recourse to several libraries in widely separated cities, such as Boston, Worcester, New York, Philadelphia, Washington, Madison, Wisconsin, and elsewhere. In some instances the only copies preserved are in private or proprietary libraries not generally open to the public. Thus these valuable periodi-

cals are not alone difficult of consultation, but in many instances they are practically inaccessible. Moreover, many of them are in a frail and perishable condition. It has been such serious considerations that have led to the undertaking of the task of collating and preserving the contents of these ancient periodicals.

Following herewith are reprinted pages from this work, including several of John Campbell's manuscript news letters, the solitary issue of *Public Occurrences* and the American items of several issues of the *Boston News-Letter*. It will be observed that this collation reproduces with textual accuracy the originals, preserving all the vagaries of spelling, punctuation, abbreviation and so on. This is a feature that must especially appeal to every reader interested in the subject.

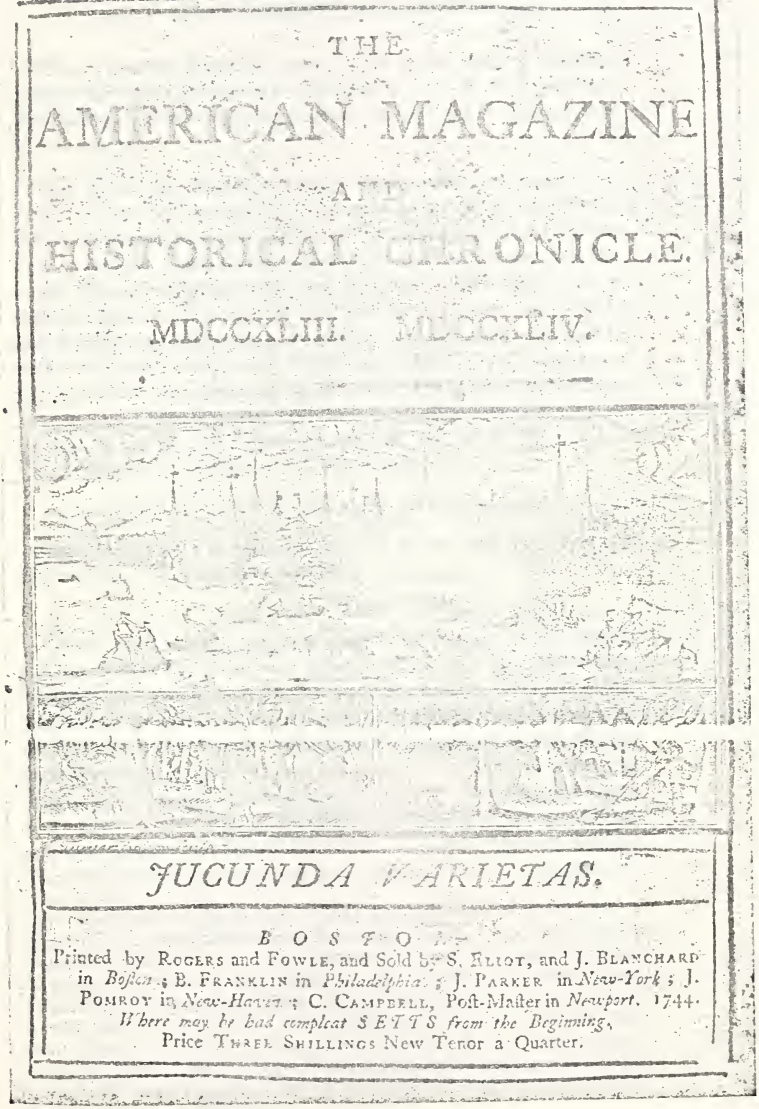
JOHN CAMPBELL'S NEWS LETTERS*

Boston, Aprill 12th. 1703.

Last Week arrived a Vessell from ffyall and tells that about nine week's from this time Two Vessells arrived from Scotland and one from Corke in Ireland, that gave an Accot. that the union between England and Scotland was concluded upon and said master from ffyall sayes he see it in publick prints.

Capt. Smith In the Gospert ffrigett from Jamacia arrived here also Last Week, and by him are Informed of the union being Concluded upon, he came from Jamaica about midle or tenth of March.

*During the year of 1703 John Campbell, who was then Postmaster of Boston and subsequently established the Boston News-Letter, sent to the Governors of the several New England colonies manuscript letters in which he gave the latest news received by him from abroad, local items of Boston and reports received from other American colonies. Twelve of these letters are now preserved in the library of the Massachusetts Historical Society. Nine were printed in the Proceedings of the Massachusetts Historical Society, in March 1867, volume 9, pages 485-501. Other manuscript news-letters of this period were printed in the Proceedings of the Massachusetts Historical Society, for February 1873, Vol. 12, pp. 419-427. One of these is dated at Cambridge, April 4, 1666 and others bear dates as follows: Boston, April 11, 1666; Philadelphia, June 5, 1669; Boston, June 19, 1699; New York, April 29, 1709; Boston, May 6, 1700; Boston, May 28, 1700; Boston, June 14, 1703 and Boston, October 4, 1783. Several of these are addressed to Governor



TITLE PAGE OF THE FIRST VOLUME OF THE AMERICAN MAGAZINE, BEGUN IN 1743

FROM A RARE COPY IN THE PRINCE LIBRARY IN THE BOSTON PUBLIC LIBRARY

Wee do apprehend that the union is only agreed upon by the Commissioners, which if true will be a great step Towards both parliam^ts. Concluding it, being the Commissioners are some of the greatest men of both nations.

They Talk from Jamaica of the Spainards sueing for a peace, That about 20 Grandees were come to Portugale, to get the King of Portugale to Interceed with her Maj^e. of England to appoint Plenipotentiary to mediat. Cap^t. Lawrence is arrived at Rhoad Island & a Bermudus Sloop, both Privateers, who In Comp^a. with Cap^t. Blue an other privateer, took a Spanish Ship of 8 guns, Loaden with Canary and Brandy, and other goods, bound for the Havanna, who had on board 12 families consisting of above 130 Soules. The Prisoners they put on shoare in N. Spain, all to about 7. The Three Consorts put 17 men an a Quarter master on board, Cap^t. Blue attended her with his sloop or vessell. The Prize is not yet arrived.—The Prize said to Come from Spain, and touched at the Canary's.

Cap^t. Southack with our Westarn fleet arrived yesterday.

Cap^t. Delbridge will sayle for London In 20 days, Ten guns; & Cap^t. Dows, lyke guns, In a moneth.

Boston Aprill 27^th. 1703.

On the 20th Instant arrived a sloop from Antegua in 25 Dayes; one Loyd M^r., brings an acco^t. that Coll^o. Coddington with 3000 Islanders and about 2000 English souldiers Landed in Guardelupia, had Taken the Island all but the fort, having Lost about 200 men by an Ambusscado of Negros; when this Sloop came away the Bloody flagg was hung up, and our men had gott 5 p^s. of Ordinance playing upon it, and Every shott did Execution, and they were a going to have 15 p^s more to bear upon it, and the fourt could bear but 5 upon us, and was thought wee should Carry it in a day or Two at farthest. The Earle of Peterborough was daylie Exspected with a Squadron of

John Winthrop of Connecticut. That dated Boston May 28, 1700 is signed by Duncan Campbell and that of October 4, 1703 is endorsed as from John Campbell. John Campbell was of Scotch ancestry. He was in Boston in 1695 and died March 4, 1728. He was President of the Scots Charitable Society, 1727-28. In the Boston News-Letter of March 7, 1728, was this paragraph: "On Monday evening last, the 4th Currant, about 8 a Clock died here John Campbell, Esq., Aged 75 years, formerly Post Master in this Place, Publisher of the Boston News Letters for many years, and One of his Majesties Justices of the Peace for the County of Suffolk.

men of Warr and Land forces, in order to joyne the Island[rs]. to attaque Martinico.

The Packett boat from Lisbone came in here brings news that a Dutch man of warr hath taken a french man of warr of 50 guns.

ffryday the 23[d] Instant, being tthe Queen's Coronation Day, His Excy Coll[o]. Dudley being attended by the Troop of Gaurds, came from Roxbury between 12 & one a Clocke, when all y[e] guns were Discharged from the Castle Battery's, the man of warr, Gally, and ship in the Road, and after having Dined with the honoble Coll[o]. Povey our Liv[t]. Governour, with severall Gentlemen, came to the Town house and Drunck her Maje[s]. health, &[c].

On Satturday the 24[th]. Arrived one Kimball from ffyall tells us still of y[e] Union being Concluded between England and Scotland and that the Portuguese have declaired warr against France and Spain.

The Prize at Rhoad Island is said to have on board 100 Pipes of Canary, 150 Pipes of Malmsy, 30 Caske of Brandy, some Almonds and Razons, what money, Plate or Silks they had was shared before any Condemnation.

Philadelphia, Aprill 13[th]. They writt that on Satturday Last Arrived a Gentleman from Maryland, brings the following news, That 40 Sayle of West Countrey men were arrived in Maryland and Virginia about 7 Weeks Passage, two men of warr Conveyed them from Corke In Ireland. That the Portuguise had Declaired warr ag[t]. France and Spain. That the Prince of y[e] Empire were marching 20000 men ag[t]. the D. of Bavaria.

That the London fleett for Virginia is not to sail till Latter end of June, under Convey of 4 men of Warr, and a fire ship.

The Galloon proved not so Rich in plate as was Exspected, but very Rich in other valuable goods, as Cocheneal, &c. one was not brock up supposed to be very rich.

N. Yorke 19[th]. Instant; arrived a sloop in 12 Dayes from Burmudus, that Go[r]. writts My Lord Cornbury, that the Earle of Petterborough was arrived at Antegua.

Cap[t]. Simmons will sail in 10 or 12 Dayes for London; that they have news of y[e] union between the two Kingdomes from Philadelphia, by vessells to Maryland.

Boston; Capt. Delbrige will sail within 3 weeks for London. Capt. Dowse in about a month. Capts. Gillam, Coram & Robertson about 2 months.

Boston May the 3d 1703

Capt. Alden from Lisbone in 33 dayes arrived the 28. brings the following news in Gazet's, votes of Parliam't, the Postman, and News Letters, viz't.

Lond°. Novr. 26: Letters from Holland say that 3 Regiments were ready to Embarke for the West Indies on board 12 men of warr. Letters from Lisbone say that the treaty of Allience between the Allies and the K. of Portugale is Concluded.

Lond°. Janry 14. The E. of Petterborough will sail for Jamaica In a few Dayes.

Numb. 1. *New England News* 462.

PUBLICK

OCCURRENCES

Both FOREIGN and DOMESTICK.*

Boston, Thursday, *Sept.* 25th, 1690.

It is designed that the Country shall be furnished once a *moneth* (*or if any Glut of* Occurrences *happen* oftener) *with an Account of such considerable things as have arrived unto our Notice.*

In order here unto, the Publisher will take what pains he can to obtain a Faithful Relation *of all such things; and will particularly make himself beholden to such Persons in* Boston *whom he knows to have been for their own use the diligent Observers of such matters.*

That which is herein proposed, is First, *That* Memorable Accu-

*Until the discovery of "The Present State of the New-English Affairs," this sheet was regarded as the first news publication printed in the Western Hemisphere. It is a small quarto printed on three sides of a folded sheet, two columns to the page. The paper page is 7¼ by 11½ inches and the type page 5¾ by 10¾ inches. So far as is known, only one copy is now in existence and that is preserved in the Public Record Office in London. There it was discovered by the Reverend J. B. Felt, who refers to it in his "Annals of Salem," second edition, 1849, volume 2, page 14. It is also referred to by Chief Justice Samuel Sewall

rents *of* Divine Providence *may not be neglected or forgotten, as they too often are.* Secondly, *that people everywhere may better understand the Circumstances of Publique Affairs, both abroad and at home, which may not only direct their* Thoughts *at all times, but at* some *times also to assist their* Business *and* Negotiations.

Thirdly, *That some thing may be done towards the* Curing, *or at least the* Charming *of that* Spirit of Lying, *which prevails among us, wherefore nothing shall be entered, but what we have reason to believe* is *true repairing to the best fountains* for our *Information. And when there appears any* material mistake *in any thing that is collected, it shall be* corrected *in the next.*

Moreover, *the Publisher of these* Occurrences is willing to engage, *that whereas, there are many* False Reports, *maliciously made, and spread among us, if any well minded person will be at the pains to trace* any *such* false Report, *so far as to find out and Convict the* First Raiser *of it, he will in this Paper (unless just Advice be given to the contrary) expose the Name of such person, as* A malicious Raiser of a false Report. *It is supposed that none will dislike this Proposal, but such as intend to be guilty of so villanous a Crime.*

The Christianized *Indians* in some parts of *Plimouth,* have newly appointed a day of Thanksgiving to God for his Mercy in supplying their extream and pinching Necessities under their late want of Corn, & for His giving them now a prospect of a very *Comfortable Harvest.* Their Example may be worth Mentioning.

Tis observed by the Husbandmen, that altho' the With-draw of so great a strength from them, as what is in the Forces lately gone for

in his Diary, volume 1, page 332, where he says that the reason for its immediate suppression by the authorities was "because of the passage referring to the French King and the Maquas [Mohawks]." It was copied by Samuel Abbott Green of the Massachusetts Historical Society in 1856, and reprinted by him in The Historical Magazine, Boston, August 1857, volume 1, pages 228-231. It has been reprinted several times, notably in Frederick Hudson's "History of Journalism," pages 44—48. A fac-simile reproduction is in Samuel Abbott Green's "Ten Fac-Simile Reproductions Relating to Old Boston and Neighborhood," Boston, 1901. The original bears the imprint "Printed by Richard Pierce for Benjamin Harris." The publishers evidently intended to continue this as a regular news publication, and for this reason it is fair to consider it as the first attempt to start a newspaper in the American Colonies; but it immediately fell under the ban of the authorities and was suppressed. Following is the order of suppression, a copy of which is preserved in the library of the Massachusetts Historical Society:

Canada, made them think it almost impossible for them to get well through the Affairs of their Husbandry at this time of the year, yet the Season has been so unusually favourable that they scarce find any want of the many hundred of hands, that are gone from them; which is looked upon as a Merciful Providence.

While the barbarous *Indians* were lurking about *Chelmsford,* there were missing about the beginning of this month a couple of Children belonging to a man of that Town, one of them aged about eleven, the other aged about nine years, both of them supposed to be fallen into the hands of the *Indians.*

A very *Tragical Accident* happened at *Water-Town* the beginning of this Month, an *Old man,* that was of somewhat a Silent and Morose Temper, but one that had long Enjoyed the reputation of a *Sober* and a *Pious Man,* having newly buried his Wife, The Devil took advantage of the Melancholy which he thereupon fell into, his wives discretion and industry had long been the support of his Family, and he seemed hurried with an impertinent fear that he should now come to want before he dyed, though he had very careful friends to look after him who kept a strict eye upon him, lest he should do him-

BY THE

GOVERNOUR & COUNCIL

WHEREAS some have lately presumed to Print and Disperse a Pamphlet, Entituled Publick Occurrences, both Forreign and Domestick: Boston, Thursday, *Septemb.* 25*th* 1690. *Without the least Privity or Countenance of Authority.*

The Governour and Council having had the perusal of the said Pamphlet, and finding that therein is contained Reflections of a very high nature: As also sundry doubtful and uncertain Reports, do, hereby manifest and declare their high Resentment and Disallowance of said Pamphlet, and Order that the same be Suppressed and called in; strickly forbidding any person or persons for the future to set forth any thing in Print without License first obtained from those that are or shall be appointed by the Government to grant the same.

By order of the Governour & Council

Isaac Addington, Secr.

Boston, September 29*th.* 1690.

Benjamin Harris, for whom this paper was printed, was a London bookseller, who came to Boston before 1690 and had a shop in or near Cornhill. He returned to London in 1694 and resumed business there. While in Boston he was printer to the Governor and Council.

self any harm. But one evening escaping from them into the Cow-house, they there quickly followed him, found him *hanging by a Rope,* which they had used to tye their *Calves* withal, he was dead with his feet near touching the Ground.

Epidemical *Fevers* and *Agues* grow very common, in some parts of the Country, whereof, tho' many dye not, yet they are sorely unfitted for their imployments; but in some parts a more *malignant Fever* seems to prevail in such sort that it usually goes thro' a Family where it comes, and proves mortal unto many.

The *Small pox* which has been raging in *Boston*, after a manner very Extraordinary, is now very much abated. It is thought that far more have been sick of it than were visited with it, when it raged so much twelve years ago, nevertheless it has not been so Mortal. The number of them that have dyed in *Boston* by this last Visitation is about *three hundred and twenty,* which is not perhaps half so many as fell by the former. The time of its being most *General,* was in the Months *June, July* and *August,* then 'twas that sometimes in some one Congregation on a Lord-day there would be Bills desiring prayers for above an *hundred sick*. It seized upon all sorts of people that came in the way of it, it infected even *children in the bellies of Mothers that had themselves undergone the Disease many years ago;* for some such were now born full of the Distemper. 'Tis not easy to relate the Trouble and Sorrow that poor *Boston* has felt by this *Epidemical Contagion*. But we hope it will be pretty nigh Extinguished, by that time twelvemonth when it first began to Spread. It now unhappily spreads in severall other places, among which our Garrisons in the *East* are to be reckoned some of the Sufferers.

Altho' *Boston* did a few weeks ago, meet with a Disaster by *Fire,* which consumed about *twenty Houses* near the *Mill-Creek,* yet about midnight, between the sixteenth and seventeenth of this Instant, *another Fire* broke forth near the *South-Meeting-House,* which consumed about five or six houses, and had almost carried the Meeting-house itself, one of the fairest Edifices in the Country, if God had not remarkably assisted the Endeavors of the People to put out the Fire. There were two more considerable Circumstances in the Calamities of this Fire, one was that a young man belonging to the House where the Fire began, unhappily perished in the Flames; it seems that tho' he might sooner awake than some others who did escape, yet he some way lost those Wits that should have taught him to help himself. Another was that the best furnished PRINTING

PRESS, of those few that we know of in *America* was lost; a loss not presently to be repaired.

There lately arrived at *Piscataqua,* one *Papoon* from *Penobscot,* in a small Shallop, wherein he had used to attend upon the pleasure of *Casteen,* but took his opportunity to run away, and reports: That a Vessel of small Bulk bound from *Bristol* to *Virginia,* having been so long at Sea, till they were prest with want, put in at *Penobscot* instead of *Piscataqua,* where the *Indians* and *French* seized her, and Butchered the Master, and several of the men; but that himself who belonged unto the Ships Crew, being a *Jersey*-man, was more favourably used and found at length an advantage to make his Escape.

The chief discourse of this month has been about the affairs of the Western Expedition against *Canada.* The *Albanians, New Yorkers* and the *five Nations* of *Indians,* in the *West,* had long been pressing of the *Massachusetts* to make an Expedition by Sea into *Canada,* and still made us believe, that they stayed for us, and that while we assaulted *Quebeck,* they would pass the *Lake,* and by Land make a Descent upon Mount *Real.* Accordingly this Colony with some assistance from our kind Neighbours of *Plimouth;* fitted an Army of near *five and twenty hundred men,* and a Navy of two and thirty Sail: which went from hence the beginning of the last *August* under the Command of the Honourable Sir *William Phips.*

In the mean time the *English* Colonies and Provinces in the West raised Forces, the Numbers whereof have been reported five or six hundred. The Honourable General *Winthrop* was in the Head of these, and advanced within a few miles of the *Lake;* He there had some good number of *Maquas* to joyn his Forces, but contrary to his Expectation, it was found that the Canoo's to have been ready for the transportation of the Army over the *Lake,* were not prepared, and the other Nations of Indians, that should have come to this *Campaign,* sent their Excuses, pretending that the Small-pox was among them, and some other Trifles. The General Meeting with such vexing disappointment called a Councel of War, wherein 'twas agreed, That it was impossible for them to prosecute their Intended Expedition. However he despatched away the *Maqua's* to the *French Territories,* who returned with some Success, having slain several of the *French,* and brought home several Prisoners, whom they used in a manner too barbarous for any *English* to approve. The General coming back to *Albany,* there happened a misunderstanding between him and the Lieutenant Governour of *New York* which occasioned much discourse,

but produced not those effects which were feared of it. Where lay the bottom of these miscarriages is variously conjectured, if any people further West than *Albany,* have been tampering with the Indians, to desert the business of *Canada,* we hope time will discover it. And if Almighty God will have *Canada* to be subdued without the assistance of those miserable Salvages, in whom we have too much confided, we shall be glad, that there will be no Sacrifice offered up to the Devil, upon this occasion; God alone will have all the glory.

'Tis possible we have not so exactly related the Circumstances of this business, but the Account, is as near exactness, as any that could be had, in the midst of many various reports about it.

Another late matter of discourse, has been an unaccountable destruction befalling a body of *Indians,* that were our Enemies. This body of *French Indians* had a Fort somewhere far up the River, and a party of Maqua's returning from the *East Country,* where they have at a great rate pursued and terrified those *Indians* which have been invading of our *North East Plantations* and Killed their General *Hope Hood* among the rest; resolved to visit this Fort; but they found the Fort ruined, the Canoo's cut to pieces, and the people all either Butchered or Captured. This gave them no little surprise and they gave the *English* this account of it. That a body of Maqua's lately returning from the spoil of *Canada* brought several *French Prisoners* with them; That calling at this Fort in their way, the *Indians* there seeing themselves unable to resist them did pass divers Complements with them and partake of their Booties. That a *French* Captive after this, escaping from the *Maqua's* informed the *French* that these *Indians* had revolted unto the *Maqua's,* and hereupon the *French* or their *Indians* made a sudden Sally forth upon them, and utterly destroyed them, tho' they were in reality of their own party still.

Two *English Captives* escaped from the hands of *Indians* and *French* at *Pascadamoquady,* came into *Portsmouth* on the sixteenth Instant & say, That when Capt. *Mason* was at *Port Real,* he cut the faces, and ript the bellies of two *Indians,* and threw a third Over board in the sight of the *French,* who informing the other *Indians* of it, they have in revenge barbarously Butcher'd forty Captives of ours that were in their hands.

These two captives escaped in a Shallop, which our Enemies intended to have set out with all the Circumstances of a Fishing Shallop but to have indeed filled with *Indians* that should have Clap't on board any *English* Vessel that came in their way; They say that about

three or four weeks ago, some *Indians* were coming this way to War, but crossing a path which they supposed to be of the *Maqua's,* they followed it untill they discovered a place where some Canoo's were making, whereupon twenty *Kennebeck Indian*-Warriors went to look further after the business, who never yet returned, Which gives hope that they may have come short home but upon this the *Squaws* are sent to *Penobscot,* and the men stand on their Defence.

Portsmouth, Sept. 20th. Two days since arrived here a small Vessel from *Barbadoes,* in which is a Letter to Captain *H. K.* of 19th *August* that speaks thus,

Christophers is wholly taken from the *French* as also a small island called *Stacia:* we are very strong in Shipping, and our Ships of War are now gone for *Tobago,* a very good place to shelter from any Storms, after the suspicious months are over, they will Attack the rest of the *French* places.

From *Plimouth* Sept 22, We have an Account that on *Friday* the 12th Instant, in the night, our Forces Landing privately, forthwith surrounded *Pegypscot* Fort; but finding no *Indians* there, they March'd to *Amonoscoggin.* There on the Lords-day, they kill'd and took 15 or 16 of the Enemy, and recovered five *English* Captives, mostly belonging to *Oyster River;* who advised, that the men had been gone about ten days down to a River, to meet with the *French,* and the *French Indians;* where they expected to make up a Body of 300 men, and design first against *Wells* or *Piscataqua.*

On *Tuesday,* the Army came to our Vessels at *Macquoit,* but one of the Vessels touching a Ground stopt a Tide; by which means young Bracket, who was a considerable distance up the River, above *Amonoscoggin* Fort, being advised by an Indian that ran away from *Amonoscoggin,* that an *English* Army was there attempted his Escape, and came down to the Sloop just as they came on their Sail.

On Thursday, they landed at *Saco;* a Scout of 60 men of ours discover a party of the Enemy, and had the Advantage of killing three of them, and of taking *nine Canoo's,* and an English captive named, *Thomas Baker,* who informed, that the Enemy had left a considerable Plunder at *Pegypscot*-Plains, which he supposed the *Enemy* was gone to secure. Whereupon, the Army immediately embark'd, and arriving there that night, the next morning found the Bever Plunder accordingly.

While our Vessels where at Anchor in *Cascoe Bay,* our Auxiliary Indians lodging on shore, and being too careless in their Watch, the Enemy made an Attaque upon them. The *English* forthwith repair'd

to their Relief; but were sorely galled by an Embuscado of Indians. The Enemy soon quitted the field escaping with their *Canoo's* whereof ours took several. In the Surprise, we loss 9 men, and had about 20 wounded; the blow chiefly fell on our dear *Friends,* the *Plimouth Forces,* 15 being killed and wounded of Captain *Southworth's* Company.

THE BOSTON NEWS-LETTER*

From Monday April 17. to Monday April 24. 1704.

AS—MH—HU—LL—NY

Boston, April 18 Arrived Capt. *Sill* from *Jamaica* about 4 Weeks Passage, says they continue there very Sickly.

Mr. *Nathaniel Oliver*(1) a principal Merchant of this place died *April* 15 & was decently inter'd *April,* 18. *Ætatis* 53.

The Honourable Col. *Nathaniel Byfield*(2) Esq. is Commissioned

*The Boston News-Letter was the first successful attempt to establish a regular newspaper in America, its only predecessor being the short-lived Public Occurrences of one number. With its publication began the real history of American journalism. The first number which covered the week from Monday, April 17 to Monday, April 24, 1704 is a half sheet folio printed on both sides. It contains an extract from the London Flying Post respecting the Pretender, who called himself King James VIII of Scotland sending Popish missioners from France to Scotland; the Queen's speech to Parliament; a few items and the advertisement of the publisher, James Campbell. This newspaper has several times been reprinted from type in imitation of the original. A fac-simile reproduction is in "Ten Fac-Simile Reproductions Relating to Various Subjects" by Samuel Abbott Green, Boston, 1903.

The News-Letter was printed by Bartholomew Green at his printing office in Newbury street (Washington street, east side, near Avon street). "At this place began and ended the printing of the Boston News-Letter," wrote Isaiah Thomas in his "History of Printing." Bartholomew Green was born October 12, 1666, and died December 28,

(1) Nathaniel Oliver, (1652-1704), son of Peter and Sarah (Newdigate) Oliver, married Elizabeth Brattle, daughter of Captain Thomas Brattle. Peter Oliver (1618-1670), merchant of Boston, was member of the Committee of Safety after the overthrow of Governor Andros; an early member of the Brattle Street Church.

(2) Nathaniel Byfield, born in England, 1653, son of Rev. Richard Byfield; a founder of Bristol, R. I.; died June 6, 1733; buried in the Old Granary burying ground, Boston.

(3) Thomas Newton, lawyer; secretary of the province, controller of customs at Boston, and attorney-general; the prosecuting attorney in the witchcraft trials at Salem in 1692.

From Monday April 17. to Monday April 24. 1704.

London Flying-Post from Decemb. 28. to 31. 1703.

Letters from *Scotland* inform us, the Copy of a Sheet lately Printed there, intituled, *A perfwasive Letter from a Scotsman to a Friend in the Country, concerning the present Danger of the Kingdom and of the Protestant Religion.*

This Letter takes Notice, That there is a Swarm in that Nation that Pray more openly than formerly, & that of late many Scores of Priests and Jesuites are come thither from *France*, and gone to the North, to the Highlanders & other places of the Country. That the Ministers of the Highlands and North gave in large Lists of them to the Commission of the General Assembly, to be laid before the Privy Council.

It likewise observes, that a great Number of ill-affected persons are come over from *France*, under pretence of accepting her Majesty's Gracious Indemnity; but, in reality, to increase Divisions in the Nation and to entertain Correspondence with *France*: That their ill Intentions are evident from their talking big, their owning the Interest of the pretended King *James* VIII. their keen Cavils, and their buying up of Arms and Ammunition, wherever they can find them.

To this he adds the late Writings and Actions of some of the Scots Nation, in favour of the pretended Prince, that several of them have declared they had rather embrace Popery than conform to the present Government; that they refuse to pray for the Queen, but use the ambiguous word Sovereign, and some of them pray in express Words for the King and Royal Family; and the charitable and generous Prince who has shew'd them so much Kindness. He likewise takes notice of Letters not long ago found in Cypher, and directed to a Person lately come thither from St. *Germains*.

He says that the greatest Jacobites, who will not qualify themselves by taking the Oaths to Her Majesty, do now with the Papists and their Companions from St. *Germains* set up for the Liberty of the Subject, contrary to their own Principles, but meerly to keep up a Division in the Nation. He adds, that they aggravate those things which the People complain of, as to *England's* refusing to allow them a Freedom of Trade, &c. and do all they can to foment Divisions between the Nations, and to obstruct a Redress of those things complain'd of.

The Jacobites, he says, do all they can to perswade the Nation that their pretended King is a Protestant in his Heart, tho' he dares not declare it while under the Power of *France*; that he is acquainted with the Mistakes of his Father's Government, will govern us more according to Law, and endear himself to his Subjects.

They magnifie the Strength of their own Party and the Weakness and Divisions of the other, in order to facilitate and hasten their Undertaking; to withdraw themselves out of their Fears, and into the hopes and assurance of accomplishing their purpose.

From all this he infers, That they have hopes of Assistance from *France*, otherwise they would not be so impudent: and he gives Reasons for his Apprehensions that the *French* King may send Troops thither this Winter, 1. Because the *English* & *Dutch* will not then be at Sea to oppose them. 2. He can then best spare them, the Season of Action beyond Sea being over. 3. The Expectation given him of a considerable number to join them may encourage him to the undertaking with fewer Men, if he can but send over a sufficient number of Officers [illegible] and Money.

He endeavours in the rest of his Letter to answer the foolish Pretences of the Pretender's being a Protestant, and that he will govern us according to Law. He says, that being bred up in the Religion and Politicks of *France*, he is by Education a Papist, Enemy to our Liberty and Religion. That the Obligations [illegible] this Family [illegible] the *French* King, must necessarily make him to be wholly at his Devotion, and so follow his Example, that if he be upon the Throne, the three Nations must be oblig'd to pay the Debt which he owes the *French* King for the Education of himself, and Entertaining his supposed Father and his Family: and since the King must restore him by his Power, however he be tutored, he will see to [illegible] his Debt before those Troops leave [illegible] and Proficient in the [illegible] would never think himself sufficiently aveng'd, but by the utter Ruine of his Protestant Subjects, both Heretick and Traitor. The late Queen, his pretended Mother, [illegible] cold Blood, when she was [illegible] to ruin the West of *Scotland* into a mourning State; it will be then for doing so by the greatest part of the Nation, and no doubt, is at Pains to have her Intended Son educated to her own Mind. That, he says, it were a great Madness in the Nation to take a Prince bred up in the horrid Principles of Arbitrariness, Persecution and Cruelty, and fraught with Rage and Envy. The *Jacobites*, he says, both in *Scotland* and at St. *Germains*, are impatient under their present Straits, and knowing their Circumstances [illegible] much worse than they are, [illegible] more inclinable to the Undertaking. He adds, That the *French* King knows there can be a more effectual way for himself to arrive at the Universal Monarchy, and to ruine the Protestant Interest, than by setting up the Pretender upon the Throne of *Great Britain*, he will in all probability attempt it; and tho' he should be perfwaded that the Design would miscarry in the close, yet he cannot but reap some Advantage by imbroiling the three Nations.

From all this the Author concludes it to be the Interest of the Nation [illegible] and says, that as many have already [illegible] Alarm, and are furnishing themselves [illegible] and Ammunition, he hopes the Government [illegible] not only allow it, but encourage it, since it [illegible] ought not to appear [illegible] of

FIRST PAGE OF THE FIRST ISSUE OF THE BOSTON NEWS-LETTER

Judge of the Admiralty for the Provinces of *Massachusetts-Bay, New-Hampshire* and *Rhod-Island.* And *Thomas Newton* Esq.[3] Judge-Deputy for the Colony of *Massachusetts-Bay.*

The 20. the Rd. Mr. *Pemberton*[1] Preach'd an Excellent Sermon on 1 *Thes.* 4, 11. *And do your own business:* Exhorting all Ranks & Degrees of Persons to do their own work, in order to a REFORMATION: which His Excellency has ordered to be Printed.

The 21. His Excellency Dissolved the Gen. Assembly.

Rhode-Island 22. The Rd. Mr. *Lockyer* dyed on Thurs. last

Capt. *Toungrello* has taken Five Prizes off of *Curraso,* one of which is come in to *Rhode-Island* mostly Loaden with *Cocco, Tobacco, Liquors,* &c. She is a *Curraso* Trader, as all the rest were. One of the Five was one *Larew* a *French-man,* a Sloop of 8 guns & 8 Patteraro's 76 Men, Fought him Board and Board three Glasses; Captain *Larew* was kill'd, and 20 of his Men kill'd & wounded: Capt. *Toungrello* wounded thro' the Body; and five of his men, but none kill'd, he had but 40 Fighting Men, when he took *Larew.*

The 18 Currant, came in a Sloop to this Port from *Virginia,* the Master informed Governour *Cranston* Esq. he was Chased by a Topsail Shallop off of *Block-Island,* which he judged to be a *French* Privateer, and that there was two other Vessels in her Company, which he judged to be her Prizes. Whereupon his Honour being concerning the Publick Weal and Safety of Her Majesties good Subjects, immediately caused the Drum to beat for voluntiers, under the Command of Capt. *Wanton,* and in 3 or four hours time, Fitted and Man'd a Brigantine, with 70 brisk young men well Arm'd, who Sail'd the following Night, returned last Evening, and gave his

1732, son of Samuel Green of Cambridge who was a son of Bartholomew Green of Cambridge who arrived in 1633 and died in 1635. Samuel Green, born in England, came to Massachusetts in 1632 or 1633 and died January 1, 1702; for fifty years a printer; with Marmaduke Johnson printed the Bible. Bartholomew Green was a printer of books and for forty years was printer to the Governor and Council. He was a member of the Old South church. A notice of his death was printed in the News-Letter, January 4, 1733.

(1) Ebenezer Pemberton, (1672-February 1717), son of James Pemberton who came from Wales in 1646 and was of Newbury and Boston, was a freeman of Boston in 1648 and one of the founders of the Old South or Third church; Harvard 1691; ordained minister of the Old South church, August 28, 1700; account of last sickness and death in Judge Sewall's Diary.

Honour an Account, that they found the aforesaid Shallop, with one other, and a Ketch at *Tarpolian* Cove, who were all Fishing Vessels belonging to *Marblehead* or *Salem*, who were Fishing off of *Block-Island*, one of them was a *French* built Shallop with a Topsail, which gave the great suspician that they were Enemies.

New-York, April 17. By a Barque from *Jamaica*, (last from *Bermuda*, 7 Weeks Passage,) says, there was an Imbargo in that Island several Months, occasioned by News they had of a design the *French* & *Spaniards* had, to make a descent upon them: She came out with the Homeward bound *London* Fleet, who are gone home without Convoy.

Capt. *Davison* in the Eagle Gally, Sailes for *London*, in a Month, if the *Virginia* Fleet stays so long; he intends to keep them Company Home, if not, to run for it, being Built for that Service.

Philadelphia, April, 14. An Account that the *Dreadnaught* Man of War was Arrived in *Marryland*.

N. London, April, 20. The Adventure, A Vessel 60 Tuns, will Sail from thence to London, in three Weeks or a Months time.

Advertisement.

This News-Letter is to be continued Weekly; and all Persons who have any Houses, Lands, Tenements, Farms, Ships, Vessels, Goods, Wares, or Merchandizes, &c. to be Sold, or Let; or Servants, Run-away, or Goods Stole or Lost; may have the same inserted at a Reasonable Rate, from *Twelve Pence* to *Five Shillings*, and not to exceed: Who may agree with *John Campbel* Post-master of *Boston*.

All persons in Town and Country, may have said News-Letter every Week, Yearly, upon reasonable terms, agreeing with *John Campbel*, Post-master for the same.

THE BOSTON NEWS-LETTER*

From Monday April 24 to Monday May 1, 1704

AS—MH—NY

South-Carolina Via New-York.

AN Account of what the Army from thence had done, under the Command of Colonel *Moore* in his Expedition last Winter against the *Spaniards* and *Spanish* Indians. In a Letter from him to

*This issue is a full sheet folio, the last page, however, blank. The foreign matter comprises extracts from the London Flying Post, from December 23 to 25, covering European war news in advices from

the Governor of *Carolina.* May it please Your Honour to accept of this short Narrative of what I with the Army under my Command have been doing since my Departure from the *Ockomulgg* on the 19th. *December.* On the 14th. *January* we came to a Town, and strong and almost regular Fort about Sun Rising, call'd *Ayavalle,* at our first approach the Indians in it fired and shot Arrows at us briskly; from which we shelter'd our selves under the side of a great Mud-wall'd House, till we could take a view of the Fort, and consider of the best way of assaulting it: which we concluded to be by breaking the Church door, which made a part of the Fort, with Axes. I no sooner proposed this, but my men readily undertook it; ran up to it briskly, (the Enemy at the same time shooting at them) were beaten off without effecting it, and fourteen white men wounded, two hours after that we thought fit to attempt the burning the Church which we did, three or four Indians assisting us: The Indians in it obstinately defending themselves, and kill'd us two white men, viz *Frances Plowden* and *Thomas Dale;* after we were within their Fort, a Fryar the only white in it came forth and begged mercy; In this we took about 26 men alive, and 58 Women and Children; The Indians took about as many more of each sort, the Fryar told us, we kill'd in the two Storms Twenty five men. The next morning the Captain of St *Lewis* Fort with 23 white men and 400 Indians came to Fight us, which we did, beat him, took him, and Eight of his men Prisoners; And as the Indians which say they did it, told us kill'd five or six Whites: We have a particular Account from our Indians of 168 Indian men kill'd and taken in the Fight and Flight, but the *Appalatchia* Indians say, they lost 200, which we have reason to believe to be the least. Captain *John Berringer* Fighting bravely in the Head of our men was kill'd at my foot; Captain *Fox* dyed of a Wound given him at the first Storming of the Fort. Two days after I sent to the *Cassik* of *Ibitachuka,* who with 130 men was in his strong and well made Fort, to come and make his peace with me, the which he did, and compounded for it, with his Churches Plate, and ten Horses laden with Provisions: After this I marched thro' five Towns which had all strong Forts and Defences against small Arms; they all submitted and surrendered their Forts to me without condition. I have now in my Company all the whole People of three Towns, and the greatest part of four more: we have totally destroyed all the people of two Towns: So that we have left in *Appalatchia* but that one Town

Warsaw, Zurich, and Vienna, and reports from Frankfort as to the design of France and Spain to divide Switzerland "betwixt them." The imprint of this number reads: "Boston, Printed by B. Green, Sold at the Post-Office, 1704."

which compounded with one part of St. *Lewis,* and the people of one Town which run away all together; their Town, Church and Fort we have burnt. The people of St *Lewis* come to me every night. I expect and have advice that the Town which compounded with me are coming after me: The waiting for these People make my Marches slow, for I'm willing to bring away with me free, as many of the Indians as I can: This being the Address of the Commons to Your Honour to Order it so, this will make my mens part of Plunder (which otherwise might have been 100*l* a man) but small: but I hope with Your Honours assistance to find away to gratifie them for their bold and stout action, and their great loss of blood: I never see or hear of a stouter or braver thing done, than the Storming the Fort: It hath regained the reputation we seem'd to have lost under the Conduct of *Robert Macken,* the Indians having now a mighty value for the Whites: *Appalatchia* is now reduced to the feeble and low condition, that it can neither suport St *Augustin* with Provision, or disturb, endamage or frighten us; our Indians living between us and *Appalatchia* and the *French:* In short we have made *Carolina* as safe as the conquest of *Appalatchia* can make it. If I had not so many men wounded in our first Attempt, I had assaulted St *Lewis* Fort, in which is about 28 or 30 men, and 20 of these came thither from *Panseccoola* to buy Provision the first night after I took the first Fort. On Sabbath the 23^{d} Instant I came out of *Appalatchia* settle[ment], and am now about Thirty miles on my way home, but do not expect to reach it before the middle of *March,* notwithstanding my Horses will be able to carry me to the Chereques Mountains. I have had a dirty, tedious and uneasie Journey, and though I have no reason to fear any harm from the Enemy, through the difference between the Whites and Indians, and between Indians and Indians, bad way and fales Alarms, d› still labour under hourly uneasiness. The number of free *Appalatchia* Indians which are now under my protection, and bound with me to *Carolina* are 1300. And 100 for Slaves. The Indians under my Command kill'd and took Prisoners in the Plantation, whilst we Stormed the Fort, as many Indians as we and they took and kill'd in the Fort. *Dated in the Woods* 50 *Miles N. and E. of Appalatchia.*(1)

Piscataqua, April 22d. Last night arrived one *Parker* in a Sloop from *Antigua* 3 Weeks passage, Says, that the New General is daily

(1) Reprinted from the News-Letter in Carroll's "Historical Collections of South Carolina," vol. II 1836. Bancroft in his "History of the United States," vol. II, p. 194, errs in referring to this invasion as having occurred in the last weeks of 1705.

expected with 14 or 16 Sail of men of War. That the French have 22 Sail of Privateers out.

Boston, April 24. By a Sloop arrived here from *Jamacia, Judah Thacher* Master, about 5 Weeks passage from thence; acquainted, That the man who gave information of a descent intended by the *French* and *Spaniards* to be made on that Island, being found false was put in Prison. That there was an Indian come from the Mainland of *New*-Spain complaining to the Governour of *Jamacia,* of bad usage they had met from the *Spaniards,* and if His Excellency would send Forces, that the Indians would joyn them, and destroy the *Spaniards,* what they could: The Indian was a brisk little Fellow, whom his Excellency was pleas'd to Cloath well: but whither he would send Forces or not the Master could not tell. There was one Capt. *Christian* a French Privateer, in a small Snow about 6 Guns, Sailed from the *Havana,* with two more Privateer Sloops in Company, having on Board about 150 men, designed to land on the North side of the Island of *Jamacia,* and plunder the People. But Capt. *Gelding* in a private man of War Sloop, 4 Guns, about 60 men, belonging to *Jamacia,* came up with said *Christian,* and his two Sloops; the which two Sloops he took, and gave *Christian* abroad side, and Chased him; but Christian out-sailing *Gelding,* made his escape, and got clear; which if Capt. *Gelding* had not met with, might have proved very detrimental to that Island.

Boston April 28. An Express came to His Excellency from *New-Hampshire,* acquainting him, That there was a man found Dead and Scalpt near *Dover,* but whither kill'd by English or *Indians,* not yet known.

Sail'd from *Boston* this Week, Capt. *William Blaire,* in the Ship *Providence* for *Barbados. Zachariah Cauley,* in the Ship *John* for *Lisbon. Stephen Pain,* in the Sloop *Mary* for *Madera. John Moor* in the Ketch *New-Berry* for *Newfoundland. Richard Smith,* Brigateen *Dragon* for *Antigua.* Nehemiah *Heath* in a Brigateen *Endeavour* for *Ruanoke.*

And out-ward bound, *James Bridgham* for *Barbados,* in the Sloop *Unity. John Richards,* in the Brigateen *Sarah,* for *Jamacia:* And *Nathaniel Vial* in a Sloop *Lark,* for said Port. *Joseph Brown,* in the Ketch *Freke,* for *Madera.* And Capt. *Giles Enfield* in the Ship *Mary,* for *Antigua,* Sails within Ten days, from Rhode-Island. Capt. *Samuel Pain* in the Ship *Grayhound,* is bound for *Nevis,* will Sail in about a Fornight. *Judah Thacher* in a Sloop bound for *Jamacia,* will Sail about 20 days hence.

Piscataqua, April 28. By letters thence, acquainted, That on the 18th Marched Forty one English and Indians from *Salmon-Falls* unto Winnopiscag Ponds, and at the same time from thence (being the Seat of War) about 90 more *Eastward,* under the Conduct of Capt. *Brown,* having 8 dayes Provision, who Travelled thro' Well's round Mowsum River, and 20 Miles up Saco, being the most reputed Places for Fishing; they returned last *Wednesday,* but could not discover any Foot-steps of the Enemy, excepting one Canoo.

On *Tuesday* the 25 *Nathaniel Meader* of Dover in *Oyster* River being [?at] work in his Field, and burning Brush was [way] laid by a Company of Indians, as he returned home about Sunset, who shot him through the thigh & leggs, then took, Scalpt, kill'd, and stript him Naked.

On *Wednesday* Morning, a small Scout made a descent on *Lamprey, Eel River,* who destroyed *Edward Taylor,* at the Sawmill and took his Wife and Son Captive, as they went from the Garrison unto their dwelling-house, about a Mile and a half distant in the Woods. Major *Hilton* instantly raised about 20 men, who in a little time discovered the Enemies track, but the Night approaching, prevented any further discovery.

Rhode-Island, April 27. The Honourable Col. *Nathaniel Byfield*(1) Esq. his Commission for Judge of the Admiralty, was published and admitted of here, on the 25. Currant.

The prize that Capt. *Toungerlo* sent in, could not be condemned, in regard there was not Evidences sent in her; but those to whom she was conugned proffer'd sufficient Bond and Security to respond said Goods, upon having liberty to take them on Shoar till could be condemned, which suppos'd would be granted.

New-York, April 24. The *Dreadnought* with Colonel *Seymour,* Governour of *Maryland* Arrived the 10th Instant. The *Virginia* Fleet will Sail the latter end of *May* for *London.* Captain *Davison* from hence designs to keep them Company if they Sail at that time. On the 18th Arrived a Sloop here from Curaso: The 23. a Sloop Arrived from *Madera* 7 Weeks Passage, *Joseph Wright* Master. Capt. *Burges* and Capt. *Davies* lie ready to Sail for *Virginia* for Convoy home.

☞ Lost on the 10. of April last off of Mr. Shippen's Wharff in Boston, Two Iron Anvils, weighing between 120 and 140 pounds each: Whoever has taken them up, will bring or give true Intelligence of them to *John Campbell* Post-master, shall have a sufficient reward.

(1) See note (2) on p. 131.

Advertisement.

This News-Letter is to be continued Weekly; and all Persons who have any Houses, Lands, Tenements, Farms, Ships, Vessels, Goods, Wares, or Merchandizes, &c. to be Sold, or Let; or Servants, Run-away, or Goods Stole or Lost; may have the same inserted at a Reasonable Rate, from *Twelve Pence* to *Five Shillings*, and not to exceed: Who may agree with *John Campbel*, Post-master of *Boston*, In the same: And if in the Country, with the Post-master of the respective Towns, to be transmitted to the Post-master of Boston: and all such Advertisements are to be brought in Writing to said Post-masters.

THE BOSTON NEWS-LETTER*

From Monday May 1 to Monday May 8, 1704

AS—MH—NY

By his Excellency *JOSEPH DUDLEY* Esq. Captain General and Governour in Chief in and over Her Majesties Province of the *Massachusetts-Bay* in *New England*

A PROCLAMATION for a GENERAL FAST

UPon Consideration of the troublesome Sate of Europe by reason of the Calamitous Wars wherein those Nations are Engaged amongst themselves, and of Her Majesties Great & Just Interest therein; As also the present Circumstances of these Her Majesties Territories and Plantations, And the Influences which the Wars of Europe may have upon our selves; Together with the Hostilitie acted against us by the treacherous Murderous Salvages within our Limits I have thought fit, by and with the Advice of Her Majesties Council, and at the desire of the Representatives, to Appoint Thursday, the 18th of May next, A day of Publick Fasting *with* Prayer *to be observed throughout this Province, Humbly to Implore the Divine Mercy, for the Preservation of Her Majesties Sacred Person, That*

*In this issue return was made to the half sheet folio printed on both sides. The first page is largely taken up by extracts from the London Gazette, Novemb. 8 to 11, 1703, giving a report of the opening of Parliament and the Queen's speech. The imprint of this number runs as in the issue of April 17, (*p. 45*): "Boston: Printed by B. Green, Sold by *Nicholas Boone* at his Shop near the Old Meeting-House."

Her just Armes with those of her Allies may be prosperous in the Actions of this present year; That the Forces in this Province Imployed in Her Majesties Service, may by the good Conduct of Heaven, be Succeeded in their just Enterprises, and our Enemies defeated; That the Defence of Divine Protection may be over our Sea Coast *and* Inland Frontiers; *That our* Seed-time *and* Harvest *may be under benign Influences of Heaven; That there may be a plentiful Effusion of the Holy Spirit of GOD for a thorough* Reformation *of all those Evils which are amongst us, That so GOD may turn away his Anger and Restore us a prosperous State; And that the Protestant Interest may every where prevail throughout the World. Exhorting both Ministers and People in their respective Assemblies Religiously to perform the Duties required on such a Day with a becoming Devotion: And all Servile Labour is forbidden thereupon. Given at Boston* the *27th* Day of *April 1704,* In the Third Year of Her Majesties Reign

J. DUDLEY

By Order of His Excellency and Council

Isaac Addington Secr.

God Save the Queen.

Piscataqua, April 29. By[1] Letters thence, acquainted, That on Fryday the 28th four Indians Seized a Servant Maid of *Richard Waldron's* Esq. at *Cocheco,* who went about 150 yards from the Garrison to a Spring for a Jugg of Water, about half an hour before Sun down: Supposed to be the same *Indians* that did the mischief mentioned in my last upon *Nathaniel Meader* and *Edward Taylor:* They askt her many Questions; *viz* Whither there was not a *French* Shallop put on Shoar in *New-England* in a Storm? And what was become of the Frenchmen? Whither or not we had any forces going out against the French? What number of Souldiers was in the Garrison? What Mr. *Waldron* had been doing in his Field all day? What he designed to do with that new Timber hal'd to the side of his House? They told her that they had lyen near his House all that day, and a Week before to wait to Catch him, whom they saw to pass over his Boom towards Capt. *Gerrishes* two Hours, by Sun-set; and that they might take him on his return, they had crept down to the foot of the Boom, as near as possible: at which time the Maid came along, and

(1) Written on the margin of the copy in the file of the Massachusetts Historical Society; "This was a story invented by the Girl to conceal her staying too long at the Spring with a young man."

were forced to take her, otherwise they must have been discovered: They told her also that they had been so near him in the Field, that one of them had Cock'd his gun at him, and going to discharge, another perswaded him to forbear, he would presently have a better Shot at him: They likewise told her 'twas never the near for him to build his New Fortifications round his House, for they would certainly take him, and that 'twere in Vain for him to Plant his New Orchard in his Field for he should neither eat the Apples, nor drink the Cyder, for that they would have him by & by, and roast him, and She should see it. In the Interim Mr *Waldron* coming over the Boom; the Watchman on the Top of his House, not knowing who it was call'd out, *Stand;* which the *Indians* hearing, being frightened, ran all away, one stept back and with the head of his Hatchet, knock't the Girl down, and left her for Dead, who lay in the Spot two Hours, till being found wanting, was enquir'd after and search'd for at the Spring, where She was found, a little come to her self; hope She may do well, for her Skull is not broke. Thus Mr. *Waldron* narrowly escap'd.

Jamacia, by Letters *Via New-York* of March last, acquainted, that the Sea-horse Man of War took 3 French Prizes, one belonging to *Peteguaves;* one of them got so near the Shore, and the man of War in pursuit of her is run on Shore upon the back side of *Jamacia* and is lost.

Boston, Arrived this Week from *Barbados,* about a Months passage, Capt. *Alden, Green, Bennet, Foster, Barns,* and *Hobbs,* but bring no News, & *Everton* came out in Company, not yet Arrived, as also *Gurley* for *Marblehead,* and *Perkins* for *Cape Ann.* Arrived also Mr. *Montveil* in a Sloop for *N. York,* & Capt. *Shute* at *Plymouth,* from *Saltitudos,* having lost his Mast in a Storm & necessitated to thro' overboard part of his Loading.

Outward Bound, *Judah Thacher* for *Jamacia,* and *Carteret Gillam* for Rhode-Island.

New-York, May 1. Yesterday Arrived a Sloop in 7 days from *Virginia,* by whom advised, that the Fleet will not Sail till the last Instant, or first of June; and that 2 Men of War are daily expected there to Strengthen the Convoy. Capt. *Davison* in the Eagle Gally hopes to Sail with them, he purposes from hence about 25 of this Month. Capt. *Burges* and *Davis* Sail'd last Week for *Virginia* to joyn the Convoy home, and Capt. *Potter* designs also next Week. A

Ship of 350 or 400 Tuns, Capt. Harrison Commander, was lately burnt in Virginia having on board 460 Hogsheads, 'tis said the Gunner went Drunk to Bed, and left a Candle burning in his Cabin, by which the Ship was fired & he and 2 or 3 were burnt in her.

Advertisements.

STollen the 4 instant in the Morning out of the house of James Cooper, near Charlestown Ferry in Boston, several sorts of mens Apparel, both Woolen & Linnen by an Irish man, speaks bad English; he is a young man about 22 years of Age, low Stature, dark coloured hair, round visage, fresh coloured: he ript a small stript Tickingbolster, and put some of the Goods in that he carried away. Whoever discovers said Person, or Goods Stolen, so as both be secured, shall have sufficient reward at the place aforesaid.

AT Oysterbay on *Long-Island* in the Province of N. York, There is a very good Fulling-Mill, to be Let or Sold, as also a Plantation, having on it a large new Brick house, and another good house by it for a Kitchin & work house with a Barn, Stable &c. a young Orchard and 20 Acres clear Land. The Mill is to be Let with or without the Plantation: Enquire of Mr. *William Bradford* Printer in *N. York* and know further.

A PICTORIAL LIFE OF LINCOLN

IN the January number of this magazine announcement was made concerning the pictorial life of Abraham Lincoln which may well be reproduced herewith:

"A series of Lincoln pictures, constituting a pictorial history of the martyr president will be a feature of the American Historical Magazine during the current year. These prints from steel plates comprehend the life of Lincoln from his boyhood days and the time that he first appeared in public life, until his death. Many of the prints are exceedingly rare, produced from plates that have long been out of public sight; and all of them are of exceptional value to every student of American history."

In conformity with this purpose, three additional steel plates of the Lincoln series are published in the current number in this magazine. One is a small medallion bust portrait of the martyred President framed in round and surmounted with an eagle and shield and with flags draped below. The other portrait shows Lincoln seated in pondering attitude beside a table. It is reproduced from a Brady photograph taken during the later years of Lincoln's life.

Another cartoon in the series fully illustrates the coarse humor often manifested at that time by the opponents of anti-slavery. Like that which was printed in the January number of this magazine, it is only valuable from the historical point of view, as illustrating the animosity and bitter feeling that enflamed a large portion of the country at that time.

POST REVOLUTION LETTERS

From Unpublished Manuscripts of the Magazine of American History

General Ebenezer Stevens to Governor John Jay

Communicated by John Austin Stevens

New York 3d April 1798—Sir—I have been honored with your favor of the 20 Ulto inclosing a Resolution of the House of Assembly respecting the Fortifications of this Port. When your letter arrived here I was in Philadelphia with a memorial from our Chamber of Commerce to Congress similar to that forwarded to Mr Walton at Albany, I had several meetings with the "Committee for the Protection and Defence of the Country" and inclose you a copy of their Report relative to our Port and Harbour; they finally agreed to advise that an appropriation of One Hundred and fourteen thousand Dollars be made, to carry into effect the objects therein recommended.

You will observe by referring to the said Report, that it recommends a Repeal of the proviso of Cession in the act of the last Session of Congress, authorizing an Expenditure on ceded ground of the balance due from the indebted States— From the information which I received it appears by no means certain, that Congress will agree to that part of the Report, or that the Sum recommended to be appropriated for the fortifications of this City and Port will be granted altho the Committee *were unanimous* that the Cession was not necessary. I waited on the President of the United States, and dined with him—after dinner, I had a private conversation with him respecting Artillery and Military Stores for our Cannon that are mounted on Car-



riages; observed to him there was money already granted for the operation, and wished he would direct the Secretary of War to advance Twenty thousand dollars for Gun Carriages a Floating Battery and Travelling forge—but he observed it could not be unless our State gave the jurisdiction to the United States— Mr [———] thought with me that money might be given immediately for that object— I was informed that application would be made to your Excellency to borrow Thirty twenty four pounders for the United States Frigate— I do not know how they can be spared unless the U. States would lend our State in lieu of them, Thirty eighteen pounders.

I find my private business suffers, by my attention to public matters, yet I would have set out for Albany yesterday, if Mrs Stevens did not expect to be immediately confined. I have been desired to visit the Furnace at Salisbury on behalf of the United States, who talk of buying the works after they have been viewed and could not say No to the request. I was also invited to view the Cannon in Philadelphia and the works on the Delaware but declined it— The Secretary of War requested me to give an Estimate of the Expense and my opinion in writing relative to the fortifying our Port and Harbour which I am preparing—and I hope to forward you the necessary information you require by the next mail. EBENEZER STEVENS

ROBERT MORRIS TO PRESIDENT WASHINGTON

From the Western Memoranda in the New York Historical Society Collections.

Philada Aug 28. 1798 SIR. In the year 1791—I purchased of the State of Massachusetts a Tract of Country lying within the boundaries of the State of New York which had been ceded by the latter to the former State under the Sanction & with the concurrence of the Congress of the United States. This Tract of Land is bounded to the East by the Genesee River to the North by Lake Ontario, to the

West partly by Lake Erie and partly by the Boundary Line of the Pennsylvania Trinagle & to the South by the Worth Boundary Line of the State of Pennsylvania, a Printed Brief of my Title I take the liberty to transmit herewith, To perfect this Title it is necessary to purchase of the Seneca Nation of Indians their native right, which I should have done soon after the purchase was made by the State of Massachusetts but that I felt myself restrained from doing so by Motives of Public consideration. The war between the Western Indian Nations & the United States did not extend to the Six Nations of which the Seneca Nation is one and as I apprehended that if this Nation should sell its right during the existence of that war, they might the more readily be induced to join the Enemies of my Country I determined not to make the purchase while that war lasted— When peace was made with the Indian Nations I turned my thought toward the purchase which is to me an object very interesting, but upon it being represented that a little longer patience untill the Western Ports should be delivered up by the British Government might still be of public utility I concluded to wait for that event also which is now happily accomplished, and there seems no obstacle remaining to restrain me from making the purchase, especially as I have reason to believe the Indians are desirous to make the sale

The delays which have already taken place and which arise solely from the considerations above mentioned have been extremely detrimental to my private affairs, but still being desirous to comply with Formalties prescribed by certain Laws of the United States altho those Laws probably do not reach my case, I now make application to the President of the United States and request that He will nominate and appoint a Commissioner to be present and Preside at a Treaty which He will be pleased to Authorize to be held with the Seneca Nation for the purpose of enabling me to make a purchase, in conformity with the Formalities required by sd Law, of the Tract of Country for which I have already paid a very large sum of Money. My right

to the pre-emption is unequivocal and the Land is become so necessary to the growing Population and surrounding Settlements that it is with difficulty that the white People can be restrained from squatting or settling down upon the Lands, which if they should do it may probably bring in contentions with the Six Nations. This will be prevented by a truely fair & honourable purchase This proposed Treaty ought to be held immediately before the Hunting Season, or another year will be lost as the Indians cannot be collected during that season. The loss of another year under the payments I have made for these Lands, would be ruinous to my affairs, and as I have paid so great deference to Public Considerations whilst they did exist, I expect and hope that my request will be readily granted now when there can be no cause for delay, especially If the Indians are willing to sell which will be tested by the offer to buy With the most perfect Esteem respect Sir I am Sir your most obedt and most hble Sert ROBERT MORRIS

GEO. WASHINGTON ESQR
President of the United States

THE MARQUIS DE LAFAYETTE TO JAMES MCHENRY

Communicated by I. Howard M'Henry

[*Private*] *La Grange department de Seine et Marne 7th March 1800* MY DEAR MCHENRY While you receive, as a Secretary of War, an application from Mde de Fleury, widow of the Gallant officer whose services in America Have Been so justly celebrated, permit a private friend to express those personal good wishes which sense of duty as a deceased Brother Soldier, affectionate American Remembrances and sincere concern for the lady's wellfare prompt me to form in her behalf. Your countryman C'nel Smith, Has on an important occasion witnessed Fleury's spirit and talents, The part He acted under G'ral Wayne has been consecrated by a medal— There is indeed no General officer or soldier but also who might Have a glori-

ous account to give of him in every action where he has fought. His widow has imparted me her intentions to address the government of the United States previous to which she is about consulting the Commissioners now in Paris and as she thinks a letter from me to my intimate friend the Secretary of War may be with him a proper introduction, I write the more readily as Besides my own regard for the memory of General Fleury I know he is himself a partaker in these sentiments. Very affectionately I am Dear McHenry Yours LAFAYETTE

Had not the world been deprived of His Greatest Ornament Mde de Fleury would Have found in our beloved General the patronage which from him was equally Honorable and eficacious.

THE HO'LE JAMES M'HENRY ESQR
Secretary at War Philadelphia

GENERAL HENRY KNOX TO GENL EBENEZER STEVENS

Communicated by John Austin Stevens

Montpelier St Georges River 16 Oct 1801 MY DEAR GENERAL Permit me to request your kind agency in the following object which is of great importance to me as forming an essential part of my income— I experienced your kindness on a former occasion which left me in your debt which I shall shortly discharge with interest— My affairs have been deranged by circumstances which I could not control— But the great landed estate which I possess which is rising rapidly in reputation and value will shortly if God spares my life enable me to pay all and have a sufficiency left for comfort in declining years. During the last and present years I carried on the manufacture of Lime, my estate abounding with Lime stone and Marble This year we have burnt about 5,000 Casks, great care is taken that none shall be shipped but such as is excellent in quality— That which I before shipped was not of my own manufacture and I was deceived in its quality— I warrant

all the lime I make. I brand the Casks with my own name, each cask contains 50 gallons or 6 bushels and a quarter. I have shipped a few casks as a specimen which I pray you in conjunction with Mr Martin Hoffman to take under your protection and endeavour to promote a sale by way of contracts. I can furnish 5000 Casks and upwards in the course of the season commencing in April at 3 dollars and 33 cents per cask If any of the great Masons would take the trouble of trying my Lime, and finding it the quality I flatter myself they would find it, to recommend it they should have it at 3 dollars relinquishing to them the 33 Cents p cask Do my good sir use your exertions on this occasion to serve an old friend and if you use half the exertion and talents you used in the artillery I shall fully succeed. Perhaps it might be profitable to hire a cheap dry store in some remote part of the city in which always four or five hundred casks might be on hand, and to put it under the direction of some influential and faithful Major who would daily account for the proceeds Apropos your legislature resolved to expend a large sum on the fortifications could not a contract be formed for that object After having fully considered this subject let me have your candid opinion thereon. If a contract to a considerable amount could be formed I would in the course of the winter go to New York for that purpose— I shall be in Boston after the 20th of next month I am my dear Sir Your sincere friend and servant H. Knox

Genl Ebenezer Stevens

The Marquis de Lafayette to James McHenry

Communicated by J. Howard M'Henry

19th Thermid or 6 August 1805 My Dear Mr Henry I am sure you will Heartily welcome Mr David Parish, to whose father and to whom I have been during my captivity and ever since under the Highest Obligations. Mr John Parish was the American Consul at Hamburgh when my wife and daughters arrived from France to endeavor to partake in

my Olmutz prison and treatment—they and myself have found in the whole family the most affectionate concern in our behalf, the most generous and constant assistance— My friend David is going to visit America— I am Happy to make him acquainted with you and am with all my Heart and for ever Your Affectionate Friend LAFAYETTE

JAMES MCHENRY ESQ.
Baltimore—

THOMAS JEFFERSON TO WM A BURWELL

Communicated by Charles Bruff

[18]

Monticello Apr. 16. 07 DEAR SIR The interest which you were so kind as to take in Mr. Randolph's sickness will I am sure render it acceptable to you to learn that his fever left him finally in the morning of the day on which you left us, and that he convalesced regularly from that period though slowly on account of the quantity of blood taken from him. We did not leave Washington till the 7th inst. he might have ventured a few days sooner, but that an attack of periodical head ache detained me till then. I shall return early in May & be here in the latter end of July & at Bedford early in August. We shall expect to see you here in August or September according to promise. Our spring set in on the 13th inst, our first peach blossoms were on the 14th, Asparagus just beginning to show itself. no fish in our part of the river as yet. We have nothing new and interesting to us from either England, France, or Spain. Mr Nicholas is unopposed for Congress here. Dawson's majority in Spotsylvania & Louisa has been of about 100 in each; in the other two counties, he will get nearly the whole. I think Thompson will lose his election by no great majority, and it is rather probable Lewis will lose his. Garnet it is believed will be re-elected. Accept affectionate salutations & assurances of perfect esteem TH JEFFERSON

THE HONBLE WILLIAM A. BURWELL
near Franklin Court house

The Marquis de Lafayette to Charles King

Communicated by C. E. Van Cortlandt

La Grange September 28. 1832 This letter My dear Sir, will be delivered by Mr Fiorelli, a young Italian Sculptor a Refugee patriot nephew to the Gentleman whom I introduced to you, in 1824 and who unfortunately put an end to his life. I recommend him to your good advice and beg you to accept the best wishes and regard of your old affectionate friend Lafayette

Charles King Esqr New York
by Mr. Fiorelli

John Adams to President Madison

COMMUNICATED BY F. B. M'GUIRE

Quincy November 28. 1814 Dear Sir When my Son departed for Russia, I enjoined upon him to write nothing to me, which he was not willing should be published in French & English Newspapers. He has very scrupulously observed the rule. I have been equally reserved in my letters to him; but the Principal in both sides has been to me a cruel privation, for his correspondence when Absent, and his conversation when present has been a principal enjoyment of my life. In the enclosed Letter he has ventured to deviate; and has assigned his Reason for it, I think however that I ought to communicate it to you. I have no papers, that I recollect that can be of any service to him. I published in the Boston Patriot all I recollect of the Negotiations for Peace in 1782 and 1783 But I have no copy of that Publication in manuscript or Print, and I had hoped never to See it or hear of it again

All I can say is that I would continue this War forever. rather than surrender One Acre of our Territory, one Iota of the Fisheries, as established by the third Article of the Treaty of 1783 or one Sailor impressed from any Merchant

ship. I will not however say this to my Son though I shall be very much obliged to you, if you will give him orders to the same Effect. It is the decree of Providence, as I believe, that this Nation must be purified in the furnace of Affliction, You will be so good as to return my Letter and believe me your respectful fellow citizen & Sincere public Servant. JOHN ADAMS.

PRESIDENT MADISON

THOMAS JEFFERSON TO JAMES MADISON

Communicated by Thomas Addis Emmett

Monticello Nov 1. 24 MY DEAR SIR I received yesterday from Lafayette a letter confirming his movements as stated in the Enquirer of Friday last. he says he will be here on Thursday next and expresses his hope to meet you here.— I presume you also have heard from him, but hope, at any rate this will reach you in time to be with us on Wednesday, if Mrs Madison will accompany you it will be the more welcome to us all, there is a scarcity of Carriages here. Yours will be a convenience if you can come in it. I know nothing certain of his subsequent movements, but the understanding is that he goes hence to Montpellier and thence to Meditz— Nothing more from Wilmer. Yours affectly TH JEFFERSON

To [JAMES MADISON]

GEORGE W. LAFAYETTE TO HENRY BREVOORT [CHAIRMAN]

COMMUNICATED BY I. CARSON BREVOORT

Translated for the Magazine

Paris le 23 May 1834—GENTLEMEN, It was with sentiments of the most respectful gratitude that I received the letter you have done me the honor to address to me on the

occasion when my family and myself met with the loss of the venerable and tenderly loved father whom Heaven had vouchsafed to us. After having covered with satisfaction and glory the old age of him who had the happiness to consecrate to them his youngest years the citizens of the United States will weep with us over his tomb, and then they will be to his memory a precious reward for his fidelity to the convictions which he brought with him from the classic land of liberty—these tears will be equally gathered by his children, and grandchildren, they will give them courage to support their misfortune, force to march with firm and assured step in the path which he who knew how to deserve them always followed

Gentlemen, your sympathy softens our affliction, it spreads a salutary balm upon our hearts broken with grief Receive the homage of our respectful gratitude

GEORGE W. LAFAYETTE

MR HENRY BREVOORT
and the Members of the American Committee

AARON BURR TO GENL EBENEZER STEVENS

Communicated by John Austin Stevens

Albany 17th Augt 98 DEAR SIR Your letter with the details of field equipage is received in season to be useful The other copy had been taken by a gentleman who hath since returned it—both are wanted. Mangin wrote me referring to maps and plans enclosed, but the letter contained none, neither have any been received; request him to supply the deficiency by return of Post. If either of you could by the same Mail send me an estimate (no matter how rough) of the probable cost of an *impregnable Castle* to contain from 75 to 200 Cannon, Howitzers and Mortars— The Cannon to be all or principally on two or three faces tending as much as possible in one direction with a very slight defence in the rear—perhaps a dead wall with loop holes caronades &c. The Castle to be two or three stories as may be deemed best and supposed to be erected on ground

now six feet under Water. Set Mangin forthwith to work at the estimate and plan but make no talk about it, and let it be forwarded without delay— Attention is paid to the Artillery— Neither your interests or your wishes shall be neglected as far as depends on me Very respectfully Your assured friend and obdt sert A. Burr

The business of the appropriations goes on slowly, but it in fact advances. It has been infinitely fatigueing and laborious to me— Yet I do not despair of accomplishing something which shall gratify my fellow Citizens— The Mail expected this evening has not arrived—

ORIGIN AND DEVELOPMENT OF THE SILK INDUSTRY IN AMERICA

BY HENRY WHITTEMORE

(*Continued from the January Number*)

OHIO was the first of the Western States to engage in silk manufactures. In 1840, a regularly organized silk factory on a small scale was put in operation by I. W. Gill, Esq., in Mount Pleasant, Ohio, under the superintendence of an experienced English manufacturer, who spun and wove, from native silk, velvets worth from four to six dollars a yard, hatters' plush, dress silks, flowered vestings, handkerchiefs and other fabrics.

About the same time an establishment at Baltimore, Md., employed fifteen or twenty Jacquard looms in making silk and worsted vestings, velvets, dress and other silks. But the chief output of the silk manufacturers consisted of sewing silk, fringes, tassels, gimps, coach lace and other trimmings, engaged in the production of which were several factories in the country. The annual value of silk manufactures imported was very heavy, amounting on an average of the twenty years preceding 1841 to about eight and three-quarter millions of dollars, and for the year 1839, including raw silk and one-half the value of silk and worsted, to nearly twenty-three million dollars.

In 1839, the Silk Bill commanded a large share of public attention; but there were symptoms that the speculation in mulberry trees had reached its height and would be followed by a reaction. Many who purchased trees in the autumn of the last year in the expectation that for every thousand dollars invested they would realize fifty thousand by the sale of the increased buds, were disappointed in

their calculations. *Morus multicualis* trees were offered in great abundance at "three cents per tree, healthy and well branched," and a writer ventured to predict that their value in the autumn of 1840 would not exceed three dollars per cartload. The "Atlantic Silk Company," of Nantucket, capital $400,000; the "Valentine Silk Company," of Providence; the Poughkeepsie (N. Y.) Silk Company, and the Northampton (Mass.) Silk Company, capital $80,000, had all sunk their capital and had ceased operations.

Notwithstanding the aid and encouragement that had been offered from time to time, and notwithstanding the favorable climatic conditions in the United States for the growing of mulberry trees and the rearing of silk-worms and cocoons, it began to be realized that the culture of silk could not be continued here profitably. The cost of producing reeled silk was always less in Italy, France and the Orient than elsewhere, because the requisite help for reeling the cocoons could be employed for a few cents a day. It was only when the manufacture of silk goods was taken up that the industry in America began to secure a firm foundation.

Sewing silk was the first product from the raw material, and the first machines for making it were the common domestic small and large spinning wheels. The first manufactory for silk cloth in the United States is said to have been established at Providence, R. I., about 1820. Sewing silk was produced in 1825 in Windham County, Conn., to the value of $54,000; and in 1838, William H. Horstmann, of Philadelphia, had power looms made from his own designs. Horstmann also introduced in this country power-loom weaving for narrow textile fabrics and small wares simultaneously with the first power loom in Basel, Switzerland; in fact, gold laces were made by power by Mr Horstmann several years prior to the first attempt in Europe. By 1833 there were twelve mills built for the manufacture of silk goods, chiefly in New England.

At the first annual meeting of the New England Silk Convention, held at Northampton, Mass., September 28th, 1842,

reports were received from various parts of the Union, showing that the manufacture of silk was progressing favorably. Among the resolutions adopted by the convention at this time was the following:

"*Resolved,* That in regard to all agricultural products there is a broad and well-defined distinction to be observed between *permanent* and *transient* causes of failure or success; that the *permanent causes are climate and soil,* and that wherever these are known to be favorable to any such product we should never be discouraged by *transient* causes operating against success, knowing that these causes operate in like manner in regard to all products.

"*Resolved,* That the silk culture demands for its successful prosecution essentially the same climate and the same kind of seasons, the same kind of upland soils, as are required for Indian corn."

The convention expressed gratification in beholding the manifestations of a growing public confidence in the essential merits of the silk business, resolving: "That we rejoice in the liberal protection given to the silk business in the new tariff enacted by the Congress recently closed, and in the fact that this section of the bill excited no opposition from any quarter of the country. . . . That inasmuch as we at present do not, and for some years can not, furnish our silk manufacturers from our fields with an adequate supply of the raw material, a heavy duty on raw silk would operate against the manufacturers and so injure the general business; therefore for the present the silk grower must look chiefly to his own state legislature for that measure of legislative aid and encouragement which in the infancy of his business he so much needs."

In the reports from the several States was one from Timothy Wheelright, of Wells, Maine, in which he said: "I have 1,500 white mulberry trees set in a hedge, one, two, three and four years old. Trees not injured by the winter after the first year." George Fitch, of South Bridgton, Maine, said: "I have made 78 pounds cocoons at an expense of $19.10." D. B. Blakely, of Wayne County, N. Y., said: "This spring I planted five acres of trees; have fed

from one and a half acres only; have made 300 pounds of first-rate cocoons. The expense of making the 300 pounds has been $42.50." Thomas White of Cincinnati, Ohio: "I am much gratified to learn that the silk business is progressing in New England. There is nothing but a lack of practical knowledge which prevents each state in the Union from supplying itself with all the silk needed. There have been large crops of cocoons raised this season throughout the states of Ohio, Indiana, Kentucky and Tennessee. I have never seen a better season for raising silk in cocoons that were constructed so that the temperature could be controlled. The manufacturing of silk is keeping pace with the raising of it in the West. There will be several thousand yards of goods wove in Ohio this season and several hundred in Indiana by my old friend, Mr. Fox, who has left Mt. Pleasant and established a prosperous factory at Richmond, Ind. Besides these establishments there are large numbers of family machines in operation."

The name referred to above was John Fox, of Richmond, Wayne County, Ind., who said in reply to certain inquiries:

"I was born in London; my predecessors were weavers of the old school. I was brought up to the business young and never went out of it; was thirty-five years engaged in it at London. . . . During a period of fifteen years I had from 250 to 300 pounds of silk of every grade pass through my hands weekly. As to the raising of silk in this country, I can say: I have seen silk from Italy, France, Piedmont, etc., but the American silk is superior. Myself and two sons commenced here in Richmond last April. We have now three looms in operation—a silk velvet, a handkerchief, and a lustering for ladies' dress. We have built ourselves one twisting machine, forty-eight spindles; tramming machine, forty-eight spindles; four Piedmontese reels, with improvements."

The old town of Northampton, Mass., while one of the early centres of silk manufacture, was the first to frown on the display of silk. The local historian tells that in 1662 the young men of the town were denounced for their display of

silk stockings, and a certain young lady for "flaunting a silk in public." Hannah Lyman, the principal offender, a vivacious damsel of sixteen and a granddaughter of Richard Lyman, one of the first selectmen of the town, was a conspicuous offender against Puritan notions of propriety. This young lady, occupying a position of the highest respectability in society, appears to have possessed much independence and resolution, and when arraigned before the court was attired in the identical silk dress which had given such umbrage to sober people. This august tribunal fined her ten shillings for flaunting her silk, "not only in ordinary but in extraordinary times."

The Nonotock Silk Company had its beginning in Northampton in 1838, and took the present name in 1844; in 1865 it was incorporated with a capital of $360,000. The first president of the company was Ira Dimock, of Hartford, who is still at the head of the corporation. The firm of Hill & Hinckley, which started about 1843 for the manufacture of sewing silk and other industrial enterprises, subsequently merged into the Nonotock Silk Company.

The large silk manufactory of Belding Bros. was established in Northampton in 1871 in a building formerly used by the Ames Manufacturing Company. The company was incorporated July 1, 1882, with a capital of $650,000. It now has great factories in Rockville, Conn., Belding, Mich., Northampton, Mass., and California.

BOOK OF BRUCE

BY LYMAN HORACE WEEKS

CHAPTER THREE

The Bruces in Scotland

XII

BRUSI, or Robert de Brusee, son of Rognvald, found Orkney little to his liking. Norway, the original home of his ancestors, attracted him more and shortly he attached himself to the fortunes of the house of his maternal grandfather, going over Normandy where he established the Bruce stock. There he became eminent and powerful in the court, being councillor to Robert I., duke of Normandy, the father of William the Conqueror. He built the castle of la Brusee or Bruis, now Brix, in Normandy, which became "the cradle of the royal house of Scotland." Brusee castle or the Chateau d' Adam near Valognes in the diocese of Constance was situated on the declivity of a hill, on the top of which was the villiage of Bruis, while at the foot flowed the river Douve.

Located nearly five hundred feet above the river the castle commanded a beautiful panoramic view of the country for miles away. Long ago the buildings were demolished by the inhabitants of Bruis to build their houses, so that only the foundations with a few remnants of the walls have been left to the curiosity of later generations. The chateau had three ramparts, the foundations of which appear to have been three hundred, six hundred, and eight hundred yards from the main structure. The ditches were about forty-five feet wide and about fifteen feet deep, which showed that the Brusee castle must have been a fortress of the first order. On the whole it was a defense which only a large army could successfully invest, but it appears to have been many times besieged.



Vue de l'emplacement occupé autrefois par le château d'Adam.

He married Emma, daughter of Alain, Earl of Brittany.

Issue:

1. Alan or Alain de la Brusee. He married Agnes Montfort, daughter of Simon Montfort, earl of Evreux. He was Lord of Brusee castle and became head of the great Normandy family bearing his name.
2. *Robert de Brusee,* of whom below.

XIII

ROBERT DE BRUSEE, second of the name, son of Robert and Emma de Brusee, followed the standard of William, duke of Normandy, when that prince went to conquer England in 1066. With him, as appears from the roll of the knights who came over with William, were many others of the same name.[1] He had a contingent of two hundred men, the only contingent that is specifically set down in the ancient document. He seems to have been a man of distinguished character and stood high in the regard of his royal master. He shared generously in the favor and munificence of the Conqueror, from whom he received extensive estates in remuneration of his services. Some authorities say that he possessed no fewer than forty-three manors in the east and west ridings of Yorkshire and fifty-one in the north riding.[2]

He died about 1094.

He married Agnes, daughter of Walderne, earl of St. Clair. Walderne of Santo Claro came from Normandy with William the Conqueror. He was of the household of Richard, duke of Normandy. His son, William de Santo Claro or St. Clair, was one of the many Anglo-Norman barons who settled in Scotland in the reign of King David I. and he received from the king of Scots a grant of the barony of Roslin in Midlothian. From his fair and gracious deportment this son was called "the fair St. Clair."

1. "Role de ceux veignont in Angleterre ovesque Roy Wm. le Conquereur."

2. "Caledonia," by George Chalmers, Vol. I, p. 569; "Baronage of England" by Sir William Dugdale, Vol. I, p. 447.

Issue:

1. William de Brusee, who came into England with his father and was Lord of Brember in Sussex.
2. *Adelme de Brusee,* of whom below.
3. Hortoliana.
4. Philena, who married Wolstan, Lord of Paston.
5. Amicia, who married St. Aylmer de Tours.

XIV

ADELME or ADAM DE BRUSSE, son of Robert and Agnes de Brusee, came into England in 1050, in attendance upon Emma of Normandy, who was a daughter of Duke Richard I. of Normandy by his wife Gonnor, and became the queen of Ethelred, king of England. After the death of Queen Emma he went to Scotland, to which country he was naturally attracted by the family connection that existed through his ancestors of six and seven generations before, the earls of Orkney, Shetland, Cathanes, and Sutherland. When William the Conqueror came to England Adam de Brusee joined the army of the invader, and after the conquest he received the barony of Skelton and the lordship of Cleveland as a reward for his services. Of all the Yorkshire manors the chief was that of Skelton in Cleveland, near Whitby. This became the seat of the elder or English branch of the Bruce family.

Adam de Brusee died before the fourteenth year of the reign of William I., 1080.

He married Emma, daughter of Sir William Ramsey.

Issue:

1. *Robert de Brusee,* of whom below.
2. William de Brusee, who was the first prior of Guisburn. He died in 1155.
3. Duncan. A lord in Scotland.
4. Rosselina, who married Walter Moreville, constable of Scotland.

XV

ROBERT DE BRUSEE, third of the name, sone of Adam and Emma (Ramsey) de Brusee, was born about 1078 and was the head of the barony of Bruce and the first baron of Skelton and Annandale. He assisted Edgar, son of Malcolm Canmore, against Duncan, his base brother, who had usurped the crown.

At the instance of Pope Honorius II. he gave the church of Middleburgh and some lands to the monks of Whitby to establish a cell of the Abbey of Guisburn in Cleveland. His brother, William de Brusee, was the first prior of the abbey. He also granted the manors of Appleton and Hornby, with other lands, to the monks of St. Mary of York and he generously endowed the hospital of St. John of Jerusalem. He held by grant the lands of Strathannan or Annandale and by his first wife acquired the lands of Carleton and Camelford, and Hart and Hartnesse in the bishopric of Durham, "the maritime key of the palitinate."

The early years of Robert de Brusee were passed at the court of King Henry I. of England. At the same time Earl David of Scotland resided there and a close friendship sprang up between the two young nobles. When David came to the throne he granted to his friend, by charter, the land of Annandale, which embraced the largest part of the county of Dumfries. He had also been associated with David in military adventures, serving with him during the conquest and part of the period of his government of Cumbria, the district comprising the Lothians and Galloway that had been bestowed upon David after the death of his brother Prince Edgar.

The time came, however, when these two friends were parted. King David I., supporting the cause of Maud the Empress, his niece, declared war against King Stephen of England, and advanced with a great army to Northallerton in Yorkshire to meet the forces of the English monarch. Thurstan, the aged and infirm Archbishop of York, although he could not personally take the field against the invader, summoned the nobles of his diocese to repair to the support of the standard with all their powers.

"Amongst the rest Robert de Brusee, notwithstanding he had a very great kindness for the King of the Scots, yet with his son, Adam, a young nobleman of great worth, brought a great company with him which not only in force of arms, but in splendour and vigour of youth, much adorned the whole army."[1]

1. "Æthelredus de bello standardi."

"This Robert, an old man of great wealth, slow of speech, yet who expressed himself with great readiness of words, from his youth having been a great follower of the King of Scots and very familiar with him, obtained leave from his companions in arms to pass over to David, either to persuade him to desist from his enterprise, or, as he was bound to him in fidelity and fealty, by holding the lands of Annandale and others of that King, to disoblige himself by renouncing his fealty. In his speech to David he represented to the King that the English and Normans, against whom he was arrayed, had repeatedly restored the power and authority of the Scottish monarchs when driven out by disloyal subjects, and that they were more faithful to the royal family than were the Scots themselves. He begged his friend and patron to withdraw from the contest and concluded in the following affectionate strain: 'It wrings my heart to see my dearest master, my patron, my benefactor, my friend, my companion in arms, in whose service I have grown old, thus exposed to the dangers of battle or to the dishonor of flight.' "[1]

"As an old acquaintance and liegeman he was sent to the Scottish King, on his invasion of England in 1138, to offer terms of peace and it is curious to note that he was associated in this embassy with Bernard de Baliol. On the king's refusal these two barons, whose descendants were destined to be such deadly rivals, fought side by side in the battle of the Standard and were also soon after ranged under the same banners as partisans of the Scotch intruder Cumin."[2]

In the battle of the Standard that followed, August 22, 1138, Robert Bruce was a conspicuous figure, being in command of a large part of the army of the English king. The battle was so called from the standard that was carried on the field of combat, and about which the army was rallied. This standard was in the form of the mast of a ship, having on its top a cross whereon was the consecrated host in a silver pix, and the banners of St. Peter, St. John of Beverly, and St. Wilfred of Ripon waving below. It was erected on the beam of a great chariot and around it and upon it were the more aged of the English barons. Before the battle, Ralph, bishop of Orkney, deputed

1. "Histories of Noble British Families," by Henry Drummond.
2. "The Battle Abbey Roll" by the Duchess of Cleveland, Vol. I. p. 102.

by Archbishop Thurstan, assured the knights and the soldiers that by fighting bravely they would secure remission of their sins, and upon receiving from them expressions of contrition, he pronounced their absolution and added his benediction. At the same time the priests in their white vestments, carrying crosses and relics, went among the ranks, encouraging the soldiers by their exhortations and prayers.[1]

"Where the Kings Standard being erected they all Rendevoused upon notice and exhortation from the venerable Thurstan, Archbishop of York: who had likewise caused all the Clergy or his Diocese to repair personally thither, with their Crosses, Banners, and Relicks of Saints carried before them, to defend the Church of Christ against the rage of that barbarous people. And beholding the English army formally drawn up for Battle; as also the Priests in their sacred Vestments, with their Crosses and Relicks, walking about and encouraging the soldiers; being then a very aged person, exceeding wealthy, likewise of grave deportment and singular elocution; he made a speech to them with great majesty and weight."[2]

Robert de Brusee died in 1141 and was buried in Guisburn Priory.

He married, first, Agnes Pagnel, daughter of Fulk Pagnel; second, Agnes of Annandale.

Issue:

1. Adam de Brusee, second lord of Skelton. He died in 1162. He married Ivetha or Juletta de Archis, daughter of William de Archis and widow of Roger de Hamville; she died 1167. Skelton and other English lands remained in the possession of the descendants of Adam de Brusee until 1271, when Peter Bruce, head of the house, died without male heirs.
2. *Robert de Brusee,* of whom below.
3. Agatha de Brusee. She married Ralph, son of Ribald, lord of Middleham in Yorkshire.
4. Pagan de Brusee.

1. "Histories of Noble British Families" by Henry Drummond.
2. "The Baronage of England" by William Dugdale.

XVI

ROBERT DE BRUSEE, fourth of the name, known as Robert Le Meschin, or the cadet, second son of Robert and Agnes (Pagnel) de Brusee by his second wife, Agnes of Annandale, was the second baron of Annandale. Residing in Scotland, he adhered to the cause of King David and became the head of the Scottish branch of the Bruce family. During the conflict between the Scots and the English, supposedly at the battle of the Standard, he was taken prisoner by his father and sent to England, but was pardoned by the king and returned to Annandale in the custody of his mother. He also had lands in England, for his father gave him the lordship of Hart, in the bishopric of Durham. It is probable that he was the De Brusee who gave to the monks of St. Cuthbert, the chapel of Eden, with this proviso,—

"excepting that when I or my wife or my household abide at Eden, my own chaplain shall sing mass in my own chapel in my castle and shall receive all the offerings made by myself, my family and my guests hearing the mass."

He died between 1189 and 1191.

He married, first, Judith, daughter and co-heir of William de Lancaster, lord of Kendall, and succeeded to the possession of the lordship of Kendall. He married second, Euphemia, whose family name is not known.

Issue by wife Euphemia:

1. Robert de Brusee. He married, in 1183, Isabella, daughter of William the Lion, king of Scotland. He died before his father and without issue. His widow married Robert de Ros.
2. *William de Brusee,* of whom below.

XVII

WILLIAM DE BRUSEE, son of Robert and Euphemia de Brusee, was the third baron of Annandale. Some authorities say that he died in the tenth year of the reign of King Richard I., 1199, while others fix the date of his death in the sixteenth year of the reign of King John, 1215.

The name of his wife is not of record. He succeeded his elder brother Robert in the fief of Annandale, holding that along with the English manors of Helt and Haltwhistle.

Issue:

1. *Robert de Brusee,* of whom below.
2. William de Brusee.
3. John de Brusee.

XVIII

ROBERT DE BRUSEE or ROBERT BRUCE, sixth of the name, son of William de Brusee, was the fourth baron of Annandale and one of the great personages of his time and country. His large estates and his royal connections assured him rank among the most powerful barons of southern Scotland. He was liberal to religious institutions and confirmed to the monks of Guisburn the patronage of the churches of Annandale, first granted to them by his grandfather. When King Alexander II. went to York in 1221 he was one of the retinue of Scottish magnates or barons who accompanied the king and was a witness of the endowment that Alexander bestowed upon his wife Joanna, sister of King Henry III., of England.

He died in 1245 and his wife died in 1252. Both are buried in the abbey of Saltre, near Stilton in Huntingdonshire. Stukely, the antiquarian, visiting the place of their burial, quaintly wrote:

"when I saw the ruins of the church in which lay the bones of Robert Bruce and his wife Isabel, the progenitors of kings, I uttered many a groan."

He married Isabel, daughter of David, earl of Huntingdon, who was the son of Prince Henry of Scotland and grandson of David I., king of Scots. The earl of Huntingdon was brother of Malcolm IV., king of Scots, and William the Lion, king of Scots. Thus the legitimate royal blood of Scotland was introduced into the Bruce family and gave the descendants of this Robert Bruce their claim to the throne. By this royal match the lords of Annandale attained to high rank among the rich-

est and most powerful noble families of Scotland and England. Through his wife (as co-heiress with her two sisters of her father's property) Bruce, exclusive of his personal estates in both kingdoms, came into possession of the manor of Whittle and Hatfield in Essex, together with half the hundred of Hatfield. She likewise brought him the castle of Kildrummie, and the lordship of Garioch in Aberdeenshire and the manors of Connington in Huntingdonshire and Exton in Rutlandshire.

Issue:

1. *Robert Bruce,* of whom below.
2. Richard Bruce, who died in 1287.

XIX

ROBERT BRUCE, the seventh of the name, son of Robert and Isabel (Huntingdon) Bruce, was born in 1210. He was called the competitor from his claim to the crown of Scotland against John Baliol. On the death of his father he became lord Annandale and when his mother died in 1251 he came into possession of her share of the earldom of Huntingdon. Thus he was a powerful subject of both kingdoms, England and Scotland. In 1250 he was a justice of the court of common pleas of King Henry III. On the death of King Alexander II. of Scotland, in 1255, he was one of the regents named to act during the minority of the young king, Alexander III. He was made sheriff of Cumberland and governor of Carlisle by King Henry III.; between 1257 and 1271 he frequently served on the English bench and in 1268 he was appointed capitalis justiciarius, being the first chief justice that England had. He sat in Parliament, and in the Barons' War was one of the supporters of the king, marching with his sovereign from Oxford to Northallerton. In the battle of Lewes, May 14, 1264, he was taken prisoner but was released after the king was victorious at Eversham in 1265.

During the lifetime of this Robert Bruce began the great struggle for the crown of Scotland that, after more than a quarter of a century of warfare, resulted in the seating of his famous grandson upon the throne. Bruce was among those who at the convention of Scone, in February, 1283-4, recognized the right of succession of Margaret, the Maid of Norway; but, on

the death of King Alexander III. in 1286, he joined the league of powerful nobles who met at Turnberry Castle and pledged themselves to vindicate the claims of whoever should gain the kingdom by right of blood, according to the ancient customs of Scotland. In the civil war that ensued Lord Annandale asserted his title to the crown against his cousin John Baliol.

As neither Bruce nor Baliol were able unaided to attain their ambitions the dispute was referred to King Edward I. of England as arbitrator. Edward, it is said, offered to decide in favor of Bruce if the latter would do homage to him. Bruce refused these conditions, saying that he preferred the honor of his country to his own personal advantage and that as his country always had been free he would maintain it so. Thereupon Edward offered the throne on the same conditions to Baliol, who accepted and was crowned in 1292. Being then advanced in years Bruce felt that he could no longer contest for his rights. He even refused to do homage to the new king, exclaiming, "I am Baliol's sovereign, not Baliol mine, and rather than consent to such homage, I resign my lands in Annandale to my son, the Earl of Carrick." He then retired to private life in the castle of Lochmaben.

He died in Lochamben on Good Friday, in 1295. In Dugdale's Monasticon there is a picture of the tomb of this Robert Bruce at Gisburn. It has no recumbent figure above as was customary on tombs of that period, but five upright figures stand in niches on each side and three at the west end, the central figure being a king with his crown and sceptre, and the royal arms of Scotland on his shield and over his head the lion rampant, and the saltire and chief on different shields.

Robert Bruce married, first, in 1240, Isabel de Clare, second daughter of Gilbert de Clare, earl of Gloucester and Hereford. She was born in 1226 and was only thirteen years of age when married. She died in 1271. He married, second, Christiana, daughter of Sir William de Ireby.

Issue of Robert and Isabel (de Clare) Bruce:

1. *Robert Bruce,* of whom below.
2. William Bruce. He married Elizabeth de Sully, daughter of Raymond de Sully.

3. Bernard Bruce, who held the barony of Connington in Huntingdonshire. He married, first, Alicia de Clare; second, Constance de Morleyn.

4. Isabella Bruce, who married John Fitz Marmaduke and died in 1300.

5. Alosia Bruce, who married Sir Nigel Graham, lord of Montrose.

6. Christiana Bruce. She married Patrick Dunbar, earl of March, one of the competitors for the crown of Scotland.

XX

ROBERT BRUCE, eighth of the name, son of Robert and Isabel (de Clare) Bruce, was the first earl of Carrick. He was born in 1253. When a mere youth, in 1269, he went to the Holy Land, a companion of Prince Edward, afterwards King Edward I. of England. In 1284, as earl of Carrick, he acknowledged with other Scottish nobles the right of Margaret of Norway to the crown of Scotland. In 1292, upon the death of his wife, he resigned the earldom of Carrick to his son Robert Bruce. About the same time he was party to the agreement that his father entered into with Florence, count of Holland, another competitor, against the claims of Baliol to the crown of Scotland.

After the death of his father in 1295, he succeeded to the lordship of Annandale and was appointed governor of Carlisle, both he and his son, the earl of Carrick, swearing fealty to Edward I. as king of England and of Scotland. He sat in Parliament in 1295-97. King Edward I. restored to him the lands in Scotland that his father had given up and he accompanied the king on his expedition into Scotland against Baliol when the latetr asserted his independence of England. After Baliol was overthrown at Dunbar in 1296, Bruce claimed the throne of Scotland by virtue of a promise that he asserted had been made to him by Edward. The answer of the English king, as reported by one of the chroniclers of the period, was:

"Have I nought ellys to do nowe
But wyn a Kynrik to gyve yhowe."

Disappointed in his ambitions he retired to his estates in England and took no more interest in the affairs of the kingdom.

He died in the Holy Land in 1304 and was buried in the Abbey of Holmcultram, Cumberland.

He married in 1271, Marjory, widow of Adam de Kilconcath,

who fell in the Holy Land in 1270; she was the only daughter of Neil, earl of Carrick. She died in 1292. The circumstances attending this alliance were singular and romantic. According to the ancient historian, Fordun, as quoted by George Grant:[1]

"it appears that a short time after his return from the Holy Wars, Robert Bruce was riding through the beautiful domains of Turnberry Castle, the property of the widowed Countess of Carrick, who, in consequence of the death of her husband had become a ward of the crown. The noble baron, however, cannot be accused of visiting Turnberry with any design of throwing himself in the way of the young and handsome heiress of Carrick, and indeed any such idea in those days of jealous wardship would have been dangerous in the extreme. It happened, however, that the lady herself whose ardent and impetuous temper was not much in love with the seclusion of a feudal castle, had come out to pursue her favorite diversion of the chase, accompanied by her women, huntsmen and falcons; and this gay cavalcade came suddenly upon Bruce as he slowly pursued his way through the forest, alone and unarmed.

"The knight would have spurred his horse forward and avoided the conflict, but he found himself suddenly surrounded by the attendants, and the countess herself riding up, and with gentle violence taking hold of his horse's reins, reproached him in so sweet a tone for his want of gallantry in flying from a lady's castle, that Bruce enamoured of her beauty, forgot the risk which he ran and suffered himself to be led away in a kind of triumph to Turnberry. He here remained fifteen days and the adventure concluded as might have been anticipated by his privately marrying the young countess, without the knowledge of the relatives of either party and before obtaining the king's consent. Alexander the Third was indignant at this bold interference with the rights of the crown and seized her castle of Turnberry; but being a prince of great benevolence, upon the intercession of the noble baron he extended his forgiveness to Bruce, upon his paying a heavy feudal fine."

The earldom of Carrick that the Countess Marjory held in her own right was one of the most ancient in the kingdom of Scotland. It added much to the already high distinction of the Bruce family, and the title Earl of Carrick was one of their most cherished possessions for generations.

1. "Life of Robert Bruce" by George Grant.

Issue of Robert Bruce, by his wife Marjory, Countess of Carrick:

1. *Robert Bruce,* King of Scotland, of whom below.

2. Edward Bruce, the younger brother of King Robert Bruce, was most famous for his incursion into Ireland where he was made king. When King Robert Bruce invaded the district of Galloway in 1308, Edward Bruce acted as commander of the forces part of the time, and led the retreat from the army of the earl of Richmond. On the banks of the river Dee he made a stand and defeated the chiefs of Galloway, making a prisoner of Donall, prince of the Isles. Finally, he brought the district of Galloway under the control of King Robert and gained possession of the town of Dundee, thus driving the English out of almost their last stronghold in Scotland. In 1313 he besieged Stirling Castle, and in 1314 he was one of the chief commanders on the glorious field of Bannockburn, leading the right column of the Scottish army.

In 1315 in a convention of the prelates, nobles, and commons of Scotland, Edward Bruce was, by ordinance, recognized as king in the event of the death of his brother Robert without male heirs. This action was a just tribute to his talent, his commanding force of character, and, as well, to his high ambition. He was a valiant, experienced, and able soldier and is said to have aspired to share the kingship with his brother. But his thoughts were turned away from the throne of Scotland by an invitation from some of the native chiefs of Ireland to go over to that island to drive out the English. The Bruce descent from the old line of Irish kings through the family of Scottish kings into which their ancestors had married, gave them something of a claim to the Irish throne and this was recognized by the chiefs who called upon him.

The Scottish army landed in Ulster in May, 1315, led by Edward Bruce, the earl of Moray, and others. The town of Carrickfergus was besieged and taken and there Bruce was crowned king of Ireland. In the campaign that ensued he encountered and defeated on many occasions the forces of the government in Ireland. John Barbour, in his rhymed history of the Bruces, says that he defeated the English in nineteen engagements. In the autumn of 1318, he projected another descent upon Leinster but in battle near Dundalk, in October of that year, he was slain and his forces put to flight. His body was quartered and his head was sent to King Edward in England. He was not married.

3. Thomas Bruce, who was taken prisoner by the English at Galloway in 1307 and put to death at Carlisle by order of King Edward I.

4. Alexander Bruce, who was taken prisoner with his brother, Thomas Bruce, and suffered a like fate.

5. Nigel, or Niel Bruce, who was taken prisoner by the English in 1306 and executed at Berwick.

6. Isabel Bruce. She married, first, Thomas Randolph of Strathdon, chamberlain of Scotland; second, the earl of Athol; third, Alexander Bruce.

7. Mary Bruce. She married, first, Sir Niel Campbell of Lochow; second, Alexander Frazer of Cowie, chamberlain of Scotland.

8. Christiana Bruce. She married, first, Gratney, earl of Mar; second, Sir Christopher Seton, who was put to death at Dumfries, in 1306, by order of King Edward I.; third, Sir Andrew Moray of Bothwell, who was governor of Scotland during the minority of King David.

9. Matilda Bruce. She married Hugh, earl of Ross.

10. Elizabeth Bruce. She married Sir William Dishington of Ardross in Fife.
11. Margaret Bruce. She married Sir William Carlyle of Torthorwald and Crunnington.
12. Margery Bruce. She married Sir David de Breschin.

CHAPTER FOUR

Robert Bruce, King of Scotland

XXI

ROBERT BRUCE, ninth of the name, son of Robert Bruce and his wife, Marjory of Carrick, was born July 11, 1274. His early years were passed in the court of Edward I., king of England, where he acquired the graces of society and the art af arms that afterward so well adorned him. Upon the death of his mother, in 1292, when he was just entering his eighteenth year, his father resigned to him the title of earl of Carrick. It is said that he then did homage to John Baliol, acknowledging the claim of that noble to the throne of Scotland. It is not at all certain that such homage was rendered, for in the disputes that subsequently arose between Baliol and King Edward both the young Bruce and his father were always found favoring the cause of England.

Throughout Scotland's troublous and exciting years, at the close of the thirteenth century, Bruce, most historians concede, occupied an equivocal position. Correspondence and documentary evidence show that he was first on one side and then on the other. His attitude during all the early years of his country's struggle for freedom has been much discussed and even at this late date has not been made to appear wholly satisfactory to his admirers. The testimony of early Scottish and English chroniclers is variant and untrustworthy on this point, for it was the aim of those on each side of the controversy, though with different motives, to make out that he attached himself early to the national cause. That he did so is not clear, however. In 1296, when he was twenty-two years of age, his father was governor of Carlisle by appointment of King Edward, and the son swore

fealty to that monarch. In the following year he raided the Douglas lands in the interest of Edward, and thus made himself, for the moment at least, the pronounced enemy of the man who was destined to become, a few years after, his most loyal and beloved supporter and friend.

When, however, it was disclosed that Edward intended to make Scotland wholly subservient to England, and the revolt against English dominations became general, finally assuming national proportions, the Bruce gave his support again to the Scottish cause. After Baliol and the Scots were forced to capitulate at Irvine, in July, 1297, he turned again to the standard of England. Professing loyalty to King Edward, he was required to give hostage to the English for his future faithfulness. When Wallace once more raised the standard of revolt, the Bruce was again summoned and at this critical moment he whose name was to become the greatest on the pages of Scottish history, held back.

For a time he took no active part in the new rebellion, but when King Edward invaded Scotland in 1298, he determined to stand on the side of his countrymen. It is said that he summoned the Annandale men, vassals of his father, then in the service of King Edward, and addressed them thus:

"You have already heard, without doubt, of that solemn oath, which I lately took at Carlisle, and I cannot deny the fact; but the oath was a foolish one and exacted by fear: it was my body that took the oath and not my mind; but its having been taken at all is now to me the cause of much remorse and sorrow: yet ere long I hope to be absolved from it by our Holy Father. In the meanwhile, I am resolved to go and join my fellow countrymen and assist them in their efforts to restore to its liberty the land of my nativity, for none, as you know, is an enemy of his own flesh, and as for me I love my own people. Let me beseech you then to adopt the same resolution, and to accompany me, and you shall ever be esteemed my dear friends and approved counsellors."[1]

But the men of Annandale declined to yield to these exhortations, and the Bruce had only a few vassals of Carrick to follow him to the camp of the insurgents, where, as the result of the

1. "Royal Descents" by Bernard Burke, p. 13.

stand he had taken, he and his family were forced to remain a long time in hiding. In the following year, however, the Bruce had reinstated himself in royal favor, for he was one of the three guardians of Scotland for John Baliol and also was associated with other nobles in an attack upon Lockmaben castle then held by an English garrison. From 1300 to 1305 he maintained an attitude of unquestioned loyalty to King Edward and received many favors from the hands of that monarch.

"The conduct of de Brus, at this juncture, as throughout the entire period prior to his assumption of the crown, not being understood, has excited the wonder and regret of posterity. Supple, dexterous and accommodating—now in arms for his country, and then leagued with her oppressors—now swearing fealty to the English king, and again accepting the guardianship of Scotland in the name of Baliol, it seems to require all the energy, perseverance and consummate prudence and valour of after years to redeem his character from the charges of apparent and culpable weakness. De Brus, the guardian of Scotland in the name of Baliol, says Lord Hailes, is one of those historical phenomena which are inexplicable."[1]

But, as pointed out by other historians, this conduct, upon careful examination, does not seem so inexplicable. Important interests of Bruce and of his father were in England, and they had always been loyal to King Edward. In Scotland, he felt that he had been wrongly deprived of the crown and he had no particular reason for loyalty to the rival house of Baliol, that for the moment, had been successful in pushing him aside. Wallace and Moray, who led the revolt against English misrule, had developed their movement to national proportions, but it was a movement quite as much for the advancement of the Baliols as for the freedom of Scotland. Wallace was a supporter of Baliol as were also the Comyns, rivals of the Bruce in their own right and also in that of Baliol. Although the insurrection was widespread among the masses there was lack of unity among the Scottish nobles. Some stood for their country at all hazards while others were not ready to support a cause that had for one of its main purposes the reinstatement of Baliol. Bruce, holding firmly to his right to the throne, and determined to assert his

1. "The Scottish Nation by William Anderson, Vol. I, p. 412

claim to the uttermost at the opportune time, could in reason neither support his rivals' cause nor press his own affair when the power of Baliol or of Comyn was still in the ascendancy.

Matters were finally precipitated by the murder of John Comyn, the younger, of Badenoch, February 10, 1305-6. With the renunciation of all claim to the throne by John Baliol, John Comyn, the Red, was next in line, according to the award of King Edward in 1291. The two rivals, Bruce and Comyn, met in the church of the Minorite friars in Dumfries. There they quarrelled, and Bruce, drawing his dagger, stabbed Comyn to the heart. The story is told by Lord Hailes that as Bruce emerged from the building he was met by his companions Kirkpatrick and de Lindsay who, noticing that he was agitated, asked how it was with him. "Ill," said the Bruce, "for I doubt I have slain the Comyn." "Doubt!" exclaimed Kirkpatrick, "then I'll make sure." Thereupon he rushed into the church and plunging his dagger into the body of Comyn, completed the work that Bruce had begun. In remembrance thereof the crest of the Kirkpatrick family is a hand holding a dagger, distilling drops of blood, with the motto "I make sure."

With that the die was cast. The field was clear and henceforth Bruce had no competitor for the throne. The moment was favorable too. Once more the country was aflame with patriotism for it had been made plain that King Edward was fully determined that Scotland should be simply a vassalage of England. The Scottish nobles were still divided in their allegiance, but the national idea enkindled by Wallace was stronger than ever with the people. It is doubtful if the murder of Comyn was premeditated. The deed was probably done in the heat of the moment, in passion engendered by discussion of differences between the two rivals. Nevertheless by this act, Bruce had put himself upon the defensive and he had no choice now but to stake all upon the hazard of warfare. Despite the sacrilege of violence before the altar the church was on his side, the people were ready to acclaim him, and he had friends and supporters among the nobles.

Now that the time for indecision and dalliance had passed Bruce went forward bravely, energetically, and patriotically.



Ruins of the Earl of Orkney's Palace

From that moment he never faltered. Nearly two months later, in March, 1305-6, he was crowned king of Scotland. The initial ceremonies took place at Scone, March 27. The bishop of Glasgow furnished from his own wardrobe the coronation robes and presented to the new king a banner embroidered with arms, which he had long concealed in his treasury. On the head of the monarch the bishop of St. Andrews placed a small circlet of gold, and a few prelates and barons paid homage to him as he sat on the state chair of the bishop.

A second coronation followed a few days later. This had in it an element of romance. Ever since Malcolm Canmore had ascended the throne in 1056, the earls of Fife, descendants of the celebrated M'Duff, had enjoyed the honorary distinction of crowning the Scots' kings, or, at least, of placing them on the throne on the coronation day. But Duncan, who was then earl of Fife, was on the side of the English. His sister Isabella, the wife of the earl of Buchan, was true to Scotland and in sympathy with the Bruce, and she determined that her family should not fail in its traditional service. Withdrawing secretly from her castle, unbeknown to her husband, she repaired to Scone, avowing herself a partisan of the new king and patriotically devoted to the liberties of her oppressed country. At Scone she insisted upon exercising the privileges and discharging the duties of her family, and the ceremonial was repeated on Sunday, March 29. It is said that on this occasion the determined countess carried off the war horses of her liege lord and took them with other appurtenances of war to the assistance of the Bruce.

Many there were who said that the deed of the countess was inspired quite as much by love as by patriotism and tradition. The gentle rumor was that the countess cherished a tender attachment for King Robert, although each was in the bonds of matrimony. English writers of that period were quite ready to take that view of the matter. "She was mad for the beauty of the fool who was crowned," said Matthew of Westminster, who, though, was neither unbiased nor veracious. That interpretation has been put upon her action by some modern writers. John Davidson, the Scotch poet, dwelling upon this event puts these

words into the mouth of the fair countess, as the culmination of her decision:

> "Now, world, wag, wag, your tongues!
> I sacrifice my fame to make a king,
> And he will raise this nation's head again
> That lies so low; and they will honour him;
> And afterwards, perhaps, they'll honour me.
> Or if they slight me and my modest work,
> I shall be dead; I have enough to bear
> Of disrespect and slander here to-day,
> Without forecasting railing epitaphs.
> But some—nay, many of the worthiest,
> And many simple judgments too,—will see
> The sunlight on my deed. This, I make sure:
> No Scots' allegiance can be held from Bruce
> Because he was not crowned by a Macduff.
> And if I love him, what is that to him?
> That's a good saying. So is this, I make:
> If I do love him, what is that to me?"[1]

For the ensuing eight years the history of Bruce and of Scotland was a history of warfare with all the accompaniments of danger, deprivation, and suffering. At the outset the castles and lands of Scotland's king were declared forfeit by King Edward and sentence of excommunication was passed upon him in St. Paul's Cathedral. With his supporters the Bruce was driven into the fastnesses of the Highlands where they led the lives of outlaws. When he started he had only about four hundred followers and was quite unable to cope with his adversaries. He was first defeated by the lord of Lorn, and at Craigrostan, on the western side of Ben Lomond, there is a cave which tradition says afforded shelter for him and his little band on this occasion. Here he spent a night surrounded by a flock of goats and was so much impressed with this companionship that he afterwards enacted a law that all goats should be exempt from grassmail or rent. Befriended by the earl of Lenox, and Angus of Isla, lord Cantire, both whom received him in their castles, he moved over to the small island of Rachrin, now Rathlin, on the northern coast of Ireland, where he and his adherents spent the first winter of their enterprise.

1. "Bruce: A Chronicle Play" by John Davidson, Act II.

Queen Elizabeth, with Bruce's daughter Marjory by his first wife, and other ladies of his family, had been sent to Kildrummie, the royal castle in Aberdeenshire, for protection, under the escort of Nigel Bruce, the king's brother, and the earl of Atholl. But Kildrummie fell into the hands of the English and the members of the royal party were captured. Nigel Bruce was executed as a traitor and Queen Elizabeth, the countess of Buchan, and the other ladies were held in confinement in various castles and convents until the end of the war. The earl of Atholl was among those apprehended. He was carried to London, where, says the chronicler Langtoft:

"being hanged on a gibbet thirty feet high, he was cut down when only half dead, that he might feel greater torments and was then cruelly beheaded. The trunk of his body was burned to ashes before his own face."

The earl was a second cousin of the king of England and for that reason his treason was considered a greater offense. Matthew of Westminster, says that Edward, although grievously sick, endured the pains of his disease with greater equanimity after hearing of the capture and execution of his disloyal kinsman. A dozen or more Scottish nobles were put to death by the remorseless Edward and there is a list of twenty-seven nobles and ladies who were imprisoned.

In the spring of 1307, Bruce came out from hiding on the isle of Arran whither he had gone from Rachrin, his first place of refuge, and with the help of the "good lord James Douglas," ever faithful, and some three hundred hungry but valiant followers, captured from the English his ancestral home Turnberry castle in Carrick. He was not able to hold the castle, however, but collected what spoils he could from the country and then withdrew to the highlands of Galloway.

During the months that immediately followed, the situation was desperate and indeed, apparently well-nigh hopeless. Douglas achieved several slight successes but nothing of real importance. Three brothers and several friends of the Bruce had perished on the gibbet. His queen and his daughter were prisoners in the hands of the English. His lands were confiscated and his supporters were deserting him. Beset by enemies who

environed him with superior forces he wandered, a homeless outlaw, with few friends and unable even to rouse the vassals of his family to unite for his protection. To this period the romantic and marvellous stories of his exploits that have passed into history principally pertain. Most of them had origin in the metrical work of Barbour and while some are apocryphal, others were undoubtedly true or at least had some foundation in fact.

Hard pressed by his foes, the throneless king had numerous adventures and many narrow escapes from death or capture. He was tracked by bloodhounds; he was followed by hired assassins; he was lured into traps that were set for him, and only his bravery and skill brought him safely through. He always carried a two-handed sword or a ponderous battle-axe and the chronicles of the period abound in stories of his power in wielding that weapon.

Barbour tells that on one occasion he was surprised by a body of his enemies to the number of more than two hundred when he had only sixty soldiers with him. Placing his men in a secure place, he stood forth alone at a narrow pass to hold the attacking force at bay until help that he had sent for should arrive. On the first assault he slew five of the enemy, whose dead bodies became a rampart of defence against the rest. Dismayed by the fate of their companions, the assailants drew back a little but regaining courage they returned to the onslaught urging each other on. Brandishing his great sword, Bruce stood bravely to the work. As only a single man at a time could approach, so narrow was the pass, he slew them one by one as they came within reach of his sword. When the rescuing party that he had sent for arrived and the English troop in the face of superior forces fled, it was found that fourteen had fallen victims of the prowess of the Bruce.

Such stories as this were heralded far and wide throughout Scotland, and gradually a popular enthusiasm developed for the king, bringing to him more support from the nobles as well as from the common people, and more subsistence and munitions of war. His affairs began to take on a more promising outlook and his hopes heightened. Venturing into the low countries,

he reduced the districts of Kyle, Carrick, and Cunningham, won the small victory at Glentool, and then defeated the earl of Pembroke at Loudon Hill. That was the final turning point of his career and when three days after he encountered Ralph Monthermer, the earl of Gloucester, and overthrew him with great slaughter, the patriotic enthusiasm of the Scots broke all bounds and from every quarter they flocked to the national standard.

From this time on, the Bruce's career was one of almost uninterrupted success. King Edward died in July, 1307, and although his son Edward II. continued the fighting it was to little avail. Bruce swept through Scotland, captured English strongholds, and invaded England, laying waste to the northern districts and exacting heavy tribute. In February, 1309, the clergy of Scotland in a provincial council at Dundee, issued a declaration that the Scottish nation had chosen Robert Bruce for their king and that they willingly did homage to him as sovereign.

By the end of the year 1312, nearly all the fortresses in the kingdom had been retaken from the English. The only important one held by the enemy was the castle of Stirling, defended by Sir Philip Mowbray. Edward Bruce lay siege to this fortress in the autumn of 1313, and King Edward with an army that has been estimated to number one hundred thousand men went to the rescue. To oppose this force, King Robert Bruce had only about thirty thousand men, but in the ensuing combat —the battle of Bannockburn, June 24, 1314,—he defeated the English army which fled from the field in a disorderly rout while King Edward barely escaped capture.

Even then the English king refused to consider his cause lost. For fourteen years longer he continued hostilities. But he was steadily beaten all along the line in military operations; when he attempted to invade Scotland, his efforts resulted in failure; he could not prevent the armies of the Bruce from invading northern England, laying waste to the country along the border and carrying away great stores of plunder; his attempt to win through the intervention of Pope John was also a failure, for the Bruce would listen to no papal envoys who did not come with full recognition of him as king of Scotland. Edward II. abdicated in 1327, and was succeeded by his son King Edward III.,

a boy of fifteen. Negotiations had been under consideration for several years, during a truce between the two sovereigns, and now peace was concluded formally and ratified at Northampton, March 4, 1328.

It was an instance of the irony of fate that the Bruce did not live to enjoy the fruits of the victory that he had fought to secure for himself and his beloved Scotland. He had achieved liberty, independence, and peace for his country and, looking into the future, he now endeavored to make assurance doubly sure by betrothing his son and heir to the throne to Joanna, a sister of the king of England. Little more remained for him to do. The hardships and sufferings that he had endured had reduced his once strong constitution and he became afflicted with disease. He spent the last two years of his life in comparative seclusion in a castle that he had built at Cardross on the northern shore of the firth of the Clyde. There he devoted his time principally to the building of ships and to aquatic and fishing excursions, hawking and other sports. He was not able to attend the wedding of Prince David to the Princess Joanna at Berwick, in July, 1328, being represented there by the earl Douglas and the earl Moray; the bridegroom on that occasion was only four years old and the bride but six. King Robert lingered for a year longer, dying June 7, 1329, in the fifty-fifth year of his age and the twenty-third year of his reign. He was buried in the church at Dunfermline beside his wife who had died in 1327.

When he was on his deathbed, he gave directions that his heart should be removed from his body after death and taken to the holy land and then be brought back and buried in the new church of Melrose Abbey. Froissart tells the story of this deathbed scene:[1]

"Then calling to his side the gentle knight Sir James of Douglas he thus addressed him before all the lords: 'Sir James, my dear friend, you know well that I have had much ado in my days to uphold and sustain the right of this realm, and when I had most difficulty, I made a solemn vow, which as yet, I have

1. "Chronicles of England, France, Spain, and adjoining Countries," by Jean Froissart.

not accomplished, for which I am right sorry. That vow was, that if it was granted me to achieve and make an end of all my wars and so bring this realm to peace, I would go forth and war with the enemies of Christ, the adversaries of our holy Christian faith. To this purpose, my heart has ever intended. But our Lord would not consent thereto; for I have had so much to do in my life, and now in my last enterprise, I have been smitten with such sickness that I cannot escape. Seeing, therefore, that my body cannot go to achieve what my heart desires, I will send my heart instead of my body, to accomplish my vow. And because I know not in all my realm a knight more valiant than you, or better able to accomplish my vow in my stead, therefore I require you my own dear special friend, for your love to me and to acquit my soul against my Lord God, that you undertake this journey. I confide so thoroughly in your nobleness and truth, that I doubt not what you take in hand you will achieve; and if my desires be carried out as I shall explain to you, I shall depart in peace and quiet. I wish as soon as I be dead that my heart be taken out of my body and embalmed, and that, taking as much of my treasure as you think necessary for yourself and the company suitable to your rank which shall go with you on the enterprise, you convey my heart to the holy sepulchre where our Lord lay and present it there, seeing my body cannot go thither. And wherever you come, let it be known that you carry with you the heart of King Robert of Scotland, at his own instance and desire, to be presented at the holy sepulchre.'

"Douglas accepted this trust on his honor as a true knight and the King added: 'Then I thank you, for now I shall die in greater ease of mind, seeing I know that the most worthy and sufficient knight in my realm shall achieve for me that which I could not myself perform.' "

In fulfillment of his promise to his royal master and friend, Douglas started for the Holy Land in the spring of 1330. He was accompanied by several other knights, many squires, and a large retinue. He carried the heart of the Bruce in a silver casket. He sailed for Spain first and there engaged to take part in the holy war that Alfonso XI., king of Castile, was waging against Osmyn, the Moorish prince of Granada. In battle near Theba, on the frontier of Andalusia, he was killed as he impetuously led the onslaught against the Moors. His body was recovered and taken back to Scotland to be entombed. The silver casket was also recovered and the heart of the Bruce was

interred in Melrose Abbey without ever having been laid at the holy sepulchre in Jerusalem.

No name has been more deeply graven upon the hearts of the Scottish people than that of Robert Bruce. His achievement in establishing the independence of his native land made him a great figure, and his knightly character won for him the undying affection of his countrymen. Romance has blossomed into full flower in the story of his life while fact and imagination have closely intermingled as his deeds have been rehearsed. Upon the national life of Scotland he exercised a profound and enduring influence. He changed the history of England as well as the history of Scotland, and made possible the one great nation where two warring peoples had before existed. In tradition, folk lore, and poetry, the inspiration of his deeds and the loving loyalty that has encompassed his memory have enriched the literature of the English tongue. The estimation in which he is held in the enthusiasm and affection of his countrymen is well expressed by the spirited lines of the poet Cunningham:

"De Bruce! De Bruce!—with that proud call,
Thy glens, sweet Galloway,
Grow bright with helm, and axe, and glaive.
And plumes in close array;
The English shafts are loosed, and see,
They fall like winter sleet;
The southern nobles urge their steeds,
Earth shudders 'neath their feet.
Flow gently on, thou gentle Orr,
Down to old Solway's flood;
The ruddy tide that strains thy streams
Is England's richest blood.

Flow gently onwards, gentle Orr
Along thy greenwood banks;
King Robert raised his martial cry,
And broke the English ranks.
Black Douglas smiled and wiped his blade,
He and the gallant Graeme;
And, as the lightning from the cloud,
Here fiery Randolph came;
And stubborn Maxwell too was here,
Who spared nor strength nor steel;

With him who won the winged spur
Which gleams on Johnstone's heel.

De Bruce! De Bruce!—on Dee's wild banks,
And on Orr's silver side,
Far other sounds are echoing now
Than war-shouts answering wide;
The reaper's horn rings merrily now;
Beneath the golden grain,
The sickle shines, and maiden's songs
Glad all the glens again.
But minstrel mirth and homely joy,
And heavenly libertie—
De Bruce! De Bruce! we owe them all
To thy good sword and thee.

Lord of the mighty heart and mind
And theme of many a song!
Brave, mild, and meek, and merciful
I see thee bound along—
Thy helmet plume is seen afar,
That never bore a stain;
Thy mighty sword is flashing high,
Which never fell in vain.
Shout, Scotland, shout—till Carlisle wall
Gives back the sound agen,—
De Bruce! De Bruce!—less than a god
But noblest of all men."

Nor can we forget that he was the inspiration of Robert Burns' immortal verse, the Scottish national song:

"Scots, wha hae wi' Wallace bled,
Scots, wham Bruce has aften led,
Welcome to your gory bed,
Or to victorie."

It was Thomas Carlyle, who pronounced this "the best war ode that was ever written by any pen."

Of the personal appearance of King Robert Bruce we have little knowledge. It is not known that his portrait was painted during his lifetime. That he was a man of large stature and great strength is indicated by the stories of his prowess which, even though they may have been somewhat exaggerated to suit

the popular idea of the hero, were without doubt substantially based on fact. No man of small stature or of ordinary strength could have handled the broad sword as he is reported to have done, and the suffering and privation that he underwent must have worn out a man of ordinary physique long before middle age. The only description of him that has been left is the following from an ancient work:[1]

"His figure was graceful and athletic, with broad shoulders; his features were handsome; he had the yellow hair of the northern race, with blue and sparkling eyes. His intellect was quick, and he had the gift of fluent speech in the vernacular, delightful to listen to."

At Taymouth, the ancestral seat of the earls of Breadalbane, descendants of Sir John Campbell and of the Bruce line, there is a portrait of the Bruce painted by George Jamieson, the Scottish painter of 1586-1644. Naturally, it is a work of imagination but the artist could have been guided by traditions and descriptions that had been handed down to his time. The work is a bust portrait of a man clad in armor with a close-fitting cap on his head. The face is mild-featured and the eyes strikingly clear and penetrating. A flowing moustache half conceals the lines of the mouth and a long heavy beard falls upon the breast. In the left hand is held a battle axe upright. A round frame holds the canvass and on this is the inscription "ANNO DOM. MCCCVI. ROBERTUS I REX SCOTORUM."

Robert Bruce married, first, Isabel of Mar, daughter of Donald, the tenth earl of Mar; second, Elizabeth Aylmer de Burgh, daughter of Richard de Burgh, the second earl of Ulster.

Issue:

1. Marjory Bruce. She married Walter, high steward of Scotland, earl of Renfrew, and became ancestress of the royal house of Stewart of Scotland and England.

2. David Bruce. Born in 1324, he succeeded to the throne as David II. on the death of his father when he was only five years of age. With his child consort Joanna, he was crowned at Scone in 1331. The reign of the baby king did not open auspiciously. Edward Baliol, son of John Baliol, the former king, had been exiled in France for many years but now saw his opportunity. In 1332, three years after the death of King Robert, he came secretly to Scotland by way of England, raised

1. "Historia Majoris Brittaniæ."



RUINS OF GISBURN PRIORY

an army, and defeated the Scots on the muir of Dupplin on August 11 of that year. He was crowned at Scone a month later and young King David and his bride were sent over to France for security. For more than a decade, Baliol and his supporters, English and Scottish nobles, contended for mastery of the country. In 1341, King David and Queen Joanna were brought back from France but in battle near Durham in October, 1346, he was captured by the English and taken to London where for eleven years he was held in captivity. During this time the affairs of Scotland were managed by the regents and patriotic nobles until finally in 1357 Edward of England abandoned further attempts to conquer the northern country, entered upon terms of peace by the treaty of Berwick and set King David free. For fourteen years he wore the crown, but his reign was not brilliant. He died in Edinburgh Castle, February 22, 1371. He married, first, Joanna, daughter of King Edward II. of England. She died in 1362. He married, second, Margaret Logie, widow of Sir John Logie, a Scottish gentlewoman of great beauty. He left no issue.

3. Margaret, or Jane, Bruce. She married, first, Robert Glen; second, William, earl of Sutherland.
4. Matildis Bruce, who married Thomas Isaac.
5. *Robert Bruce,* of whom hereafter.
6. Elizabeth Bruce, who married Sir Walter Oliphant of Aberdalgy.
7. John Bruce, who died in infancy.
8. Walter Bruce of Odiston on the Clyde.
9. Nigel Bruce who was killed at the battle of Durham.

WAR QUESTIONS IN WISCONSIN

BY F. C. WINKLER

(*Continued from the January Number*)

IN 1859 the legislature passed and the governor of the state approved a joint resolution, which, to show the spirit of the times, is here inserted in full.

"Whereas, the supreme court of the United States has assumed appellate jurisdiction in the matter of the petition of Sherman M. Booth for a writ of habeas corpus, presented and prosecuted to final judgment in the supreme court of this state, and has, without process, or any of the forms recognized by law, assumed the power to reverse that judgment in a matter involving the personal liberty of the citizen, asserted by and adjudged to him by the regular course of judicial proceedings upon the great writ of liberty secured to the people of each state by the constitution of the United States:

"And whereas, such assumption of power and authority by the supreme court of the United States, to become the final arbiter of the liberty of the citizen, and to override and nullify the judgments of the state court's declaration thereof, is in direct conflict with that provision of the constitution of the United States which secures to the people the benefits of the writ of habeas corpus; therefore,

"Resolved, the senate concurring, that we regard the action of the supreme court of the United States, in assuming jurisdiction in the case before mentioned, as an arbitrary act of power, unauthorized by the constitution, and virtually superseding the benefit of the writ of habeas corpus, and prostrating the rights and liberties of the people at the foot of unlimited power.

"Resolved, That this assumption of jurisdiction by the federal judiciary, in the said case, and without process, is an act of undelegated power, and therefore without authority, void, and of no force.

"Resolved, That the government formed by the constitution of the United States was not made the exclusive or final judge of the extent of the powers delegated to itself; but that, as in all

other cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress.

"Resolved, That the principle and construction contended for by the party which now rules in the councils of the nation, that the general government is the exclusive judge of the extent of the powers delegated to it, stop nothing short of despotism, since the discretion of those who administer the government, and not the constitution, would be the measure of their powers; that the several states which formed that instrument, being sovereign and independent, have the unquestionable right to judge of its infraction; and that a positive defiance of those sovereignties, of all unauthorized acts done or attempted to be done under color of that instrument, is the rightful remedy."

The action of the supreme court, thus virulently denounced, was had in pursuance of an act of Congress passed during the first administration of President Washington, and approved by him. The resolution must, of course, be classed as *brutum fulmen,* and was probably so regarded by many who gave their votes in its support. But it illustrates how little respect was entertained for and accorded to the government of the United States in the days before the war.

The breaking out of the war in 1861 brought new and often very important questions both to the federal and to state courts. Probably no war in human history has, in all its phases, been so largely adjudicated upon in courts of justice as this civil war. The time was when the very question of whether it was a war or not was disputed in judicial forums; and this question was not finally set at rest until the decision of the celebrated Prize Cases by the supreme court of the United States in 1863. (2 Black, 635.) The interesting topic of the federal war decisions is however outside the scope of this paper.

The first two war cases which came to the supreme court of Wisconsin presented questions of the validity of enlistments of minors. Both cases turned upon the construction of statute law. The enlistment of a young man over eighteen years was held valid, while one of a boy less than seventeen, without the consent of parent or guardian and with knowledge of his age on the part of the recruiting officer, was adjudged illegal. In *re* Gregg, 15 Wis., 479; In *re* Higgind, 16 Wis., 351.

The next case presented a question of the highest importance under the constitution of the United States. It was, whether the writ of habeas corpus can be suspended by the act of the President of the United States. Here was a question of the liberty of the citizen on the one hand, of the power of the government on the other.

The writ of habeas corpus is the recognized means by which one imprisoned, or in any manner deprived of his liberty, may bring the question of the lawfulness of the restraint before a judicial tribunal. Generally speaking, this right should never be denied him. But there may be extraordinary exigencies when considerations of public safety override every private right, and when even a judicial inquiry into the lawfulness of an imprisonment cannot be permitted. All this is recognized by the constitution of the United States in the following provision found in section 9 of article I: "The privilege of the writ of habeas corpus shall not be suspended unless when in case of rebellion or invasion the public safety may require it."

But the question remains, what authority, under the government of the United States, shall determine when and under what circumstances, in case of rebellion or invasion, the public safety requires the suspension of the writ. The general subject of article I of the constitution is legislative. Can any but the legislative power suspend the writ? This was the important point of the Kemp case.

The question was not new. It had arisen almost immediately on the opening of hostilities and had been the subject of a decision by the chief justice of the United States and of much public discussion. In April, 1861, when violent resistance had been offered to the passage of union troops from Philadelphia to Washington, President Lincoln issued a military order, among other things, suspending the writ of habeas corpus along the route of travel through the state of Maryland, which bodies of soldiers hastening to Washington were obliged to take. A month later, one John Merriman, who was enlisting recruits for the Confederate army in the city of Baltimore, was arrested by the military authorities and lodged in Fort McHenry. A writ of habeas corpus was issued to General Cadwalader, then in command, by Chief Justice Taney.

General Cadwalader made return, stating the treasonable action of Merriman on account of which he had been arrested and was detained, but declined to produce his person, claiming suspension of the writ under the order of the President. The chief justice issued an ineffectual attachment against General Cadwalader and wrote an elaborate opinion, holding that the President had no authority to suspend the writ, and that in the absence of action by Congress to that effect, disobedience to the writ, under any circumstances, was an unjustifiable infraction of the constitution and the laws of the United States. This led at once to much heated discussion. Mr. Bates, the attorney general of the United States, in an official letter to the President, took the extremely opposite view, holding that the President had the right to suspend the writ in all cases of arrest made by his authority, when, in case of rebellion, the public safety, in his opinion, required it. The administration acted on the advice of the attorney general, and the President, from time to time made orders for the suspension of the writ applying to different places and circumstances.

In the fall of 1862 the question came up in the state of Wisconsin. There had been forcible resistance to the execution of the conscription law in the county of Ozaukee. A number of persons, among them Nicholas Kemp, were arrested by the military authorities and confined at Camp Randall. A writ of habeas corpus was issued by the supreme court of Wisconsin to Brigadier-General Elliot, commanding the department of the northwest, calling upon him to produce their persons and his warrant for their detention before the court. General Elliot made return, stating the ground of the arrests, claiming a suspension of the writ of habeas corpus under general orders No. 141 issued by the President the 24th of September, 1862, and declining to release the prisoners from military custody. The question of the jurisdiction of the state court to enquire into the lawfulness of an arrest, when the latter is claimed under federal authority, which, as we have seen, was, at a later period, raised and decided in *re* Tarble, was not raised in this case. It turned wholly upon the right of the President to suspend the writ.

The order of the President, referred to, contained the following provisions:

"First: That during the existing insurrection, and as a necessary measure of suppressing the same, all rebels, and insurgents, their aiders and abettors, within the United States, and all persons discouraging volunteer enlistments, resisting militia drafts, or guilty of any disloyal practice affording aid and comfort to rebels against the authority of the United States, shall be subject to martial law, and liable to trial and punishment by court martial or military commissions.

"Second: That the writ of habeas corpus is suspended in respect to all persons arrested, or who are now, or hereafter during the rebellion shall be imprisoned in any fort, camp, arsenal, military prison, or other place of confinement, by any military authority or by sentence of any court martial or military commission."

The court approached the case with all the care which the question involved demanded. Each of the three judges delivered a separate opinion. It was unanimously decided that the suspension of the writ under section 9 of article I of the constitution was a legislative, not an executive, act; and that it required an act of Congress to give it validity.

A distinction, which is not alluded to, and does not seem to have been recognized, in the decision of Chief Justice Taney in the Merriman case, was insisted upon with much force and clearness, between a general suspension, a de jure suspension it might be called, of the privilege of the writ, and a *de facto* suspension which necessarily takes place on the actual theater of war and its immediate surroundings, where martial law is declared and rules the hour, with which civil tribunals may not interfere. In the latter case it was admitted that disregard of the writ by a military officer under the authority of the commander in chief of the armies would be justified. But in this case the arrest took place at a great distance from the actual theater of war, in a state where martial law did not exist, where martial law had not superseded the civil authorities, and the judges were unanimous in the opinion that in such a case a suspension of the writ can only be effected by an act of Congress.

Coming from a court of unquestionable loyalty, as well as recognized ability, the decision could not fail to produce a great effect upon the country. It contributed very largely in inducing Congress at its next session to pass an act for the suspension of the writ. In *re* Kemp, 16 Wis., 359.

At the same term of court a question deeply affecting the reenforcement of the armies at the front came before the supreme court. A draft to fill quotas had been made. The drafted men were in camp. Application was made for a habeas corpus for their release. It was claimed that the draft was "without color of legal authority under any statute or law of this state or of the United States, and altogether arbitrary and unlawful." The case arose before the "enrollment law", being "an act for the enrolling and calling out of the national forces," approved March 3, 1863, had been enacted by Congress; and the question was, whether the then existing laws, which left the enrolling of the militia and enforcing a draft very largely to rules and regulations to be established by the President, were constitutional and sufficient to authorize the draft. By its decision the court unanimously sustained the constitutionality of the law and the validity of the rules and regulations established by the President under it. In *re* Griner, 16 Wis., 423.

In another case heard at the same term of court, the question was, whether an alien, resident in the state of Wisconsin, who had declared his intention to become a citizen of the United States, who was a qualified elector under the laws of the state and who had exercised his right of suffrage, being drafted, could claim exemption from military duty by reason of his alienage. The supreme court held that he could not; that although not a citizen of the United States, he must be regarded as a citizen of the state of Wisconsin, and that while entitled to enjoy its benefits he could not escape the burdens of such citizenship. In *re* Wehlitz, 16 Wis., 448.

It seems like a parody that in a later case, the same court was compelled to decide that while the resident alien, who had simply declared his intention to become a citizen of the United States was entitled to vote and had voted, was subject to draft, yet his son, who had been brought here in infancy and lived here

ever since and had voted, could not be drafted. The reason was clear. While he had voted, he was not entitled to vote. His votes were illegal. For this he might have been punished; but under our laws he was an alien and exempt from the duties of citizenship. The case strongly illustrates the crudeness of our naturalization laws. In *re* Conway, 17 Wis., 527.

The case of Richard Oliver, 17 Wis., 681, brings us back once more to the question of habeas corpus. Young Oliver, in whose behalf a petition had been presented, had been enlisted in the army. He was less than eighteen years of age. The merits of the application came strictly within the case of Higgins, already referred to. But in the meantime the act of Congress, approved March 3d, 1863, authorizing the President of the United States to suspend the writ of habeas corpus, had been passed, and the President, in pursuance of its provisions, had issued his proclamation, dated September 15th, 1863, suspending the privilege of the writ in cases where persons were held under the command of the government as prisoners or as soldiers. It was contended that the act and the proclamation under it were invalid. The argument was, that the suspension of the writ could only be accomplished by a direct act of Congress; that the act in question did not of itself suspend it, but sought to delegate the power of suspension to the President. Mr. Justice Paine, in delivering the opinion of the court, admitted that the wording of the act afforded room for criticism, but concluded that in substance the act itself suspended the privilege of the writ, leaving it to the President to say in what cases the suspension should be insisted on. With this interpretation the act and proclamation were sustained and the writ was refused.

The question of the constitutionality of the act of Congress, making treasury notes of the United States a legal tender in the payment of debts, came before our supreme court at an early date. It was held at the January term of 1864, that the act was valid and applied to pre-existing, as well as subsequently contracted debts. In making this decision our supreme court followed the supreme court and the court of appeals of the state of New York. Breitenbach vs. Turner, 18 Wis., 140.

The case of Brodhead vs. The City of Milwaukee, 19 Wis.,

624, brought a very interesting question before the supreme court. It was as to the constitutionality of an act of the legislature authorizing cities, villages and towns to raise money by taxation for the purpose of paying bounties to volunteers who had enlisted or should enlist so as to fill the quotas assigned to the respective localities under calls by the President for troops. Does the power of municipal taxation extend to such a purpose? That was the chief question involved, although there were minor ones also upon particular features of the law in question. The court sustained the act, and held the tax which had been levied under it valid.

The Ozaukee county draft riots, referred to in the Kemp case, were destined once more to command the attention of our courts. It will be remembered that in the Kemp case it was decided that the suspension of the writ of habeas corpus claimed was illegal. It was also decided that the detention of Kemp as a prisoner in Camp Randall was illegal. The arrests had been made in 1862. The execution of the draft, under the then existing laws, was under the direction of the governor of the state. The honorable Edward Salomon was then governor. After his term of office had expired, John Druecker, one of the prisoners, brought suit against him in the circuit court of Milwaukee county for damages for an unlawful arrest and false imprisonment. It was a test case. The arrests had been quite numerous and if the suit had been successful many others would have followed in its wake. The case came to trial at Milwaukee before the Honorable Arthur MacArthur,[1] circuit judge, and a jury, in October, 1865. The full extent of the riot or insurrection against the enforcement of the laws for the recruitment of our armies, as it was claimed to be, and the necessity of resorting to military force for its suppression, were here first given in evidence. The arrest had been made on the 13th of November, 1862, and it appeared that after being detained for twelve days the plaintiff

1. Judge McArthur, before whom the case of Drucken vs. Solomon was tried, afterward became one of the judges of the supreme court of the District of Columbia, holding that position with distinction for many years, until the end of his life. He published a series of reports of decisions of the supreme court, known as "McArthur's Reports." He was also the author of "A History of the English Language." He was the father of Lieutenant-General Arthur McArthur, U. S. A.

was delivered to the United States military commander, and that the governor had no control over him after that time. At the end of a long and patient trial, Judge MacArthur, in dignified and manly language, taking the form of a charge to the jury, gave his opinion that the plaintiff could not recover. A few extracts from this able opinion may be read with interest.

"When riot is to be subdued," said the learned judge, "the only means at once lawful and imperative, seem in times of quiet unusual and severe. Authority has but one virtue, and that is the promptness and decision with which responsibility is assumed. In such a crisis there is no time to hunt for precedents. Hesitation is synonymous with anarchy. Action is demanded to prevent threatened ruin and bloodshed. So that the appropriate remedies for such an evil belong to that violent class which inflame the system in order to eradicate the disease. Coercion is neither optional nor avoidable. It is the only resource of legitimate authority, and the faithful executive who under such trying and overwhelming necessities is influenced only by considerations of public duty, cannot be followed by vexatious litigation for error of judgment. I have listened with emotion to the impressive and eloquent observations of the distinguished counsel for the plaintiffs (the late Honorable Harlow S. Orton) on the danger of irresponsible power and on the necessity of protecting the citizen from its oppressions. These sentiments are part of our education and habits, and as we are almost the only instance of a powerful government with a well-defined bill of personal liberty, of all others we should be the most anxious to preserve it; and it is gratifying that animated addresses on this subject are always vindicated by the most popular favor and affection of the people. We should not, however, forget that public right and liberty are just as sacred as that claimed for the individual, and when these are threatened with tumult and violence, the magistrate who averts the evil is a public benefactor, and conserves all rights, both of the state and of the citizen, and liberty and law are preserved for the benefit of all alike."

He then points out that in conformity with the act of Congress known as the conscription act of 1862, which, as we have seen, our supreme court had held valid in the Griner case, the President had conferred the duty of enforcing the conscription under it upon the governor of the state, that actual and threatened violence and armed resistance had justified a resort to mil-

itary interference, that the arrests and imprisonments in question were made in overcoming the resistance and enforcing the law by military force, and held that for acts thus done in the discharge of duty without malice to the plaintiff, the governor could not be held liable in an action for damages. The case was taken to the supreme court by appeal, and is reported in 21 Wis., 621. The decision of Judge MacArthur was there unanimously affirmed in an elaborate opinion delivered by Mr. Justice Downer.

An interesting case came before our supreme court long after the close of the war involving the question of the suspension of the statutes of limitations in favor of residents of the states in rebellion. The plaintiff was a resident of New Orleans during the war. In 1873 he brought an action of ejectment for an interest in lands in Wisconsin. A plea of ten years' adverse possession under color of title was sought to be avoided by disability to sue growing out of the state of war. The plaintiff claimed that his disability continued until August 20th, 1866, when the complete suppression of the rebellion and restoration of peace was declared by proclamation issued by President Johnson. It had been so decided in favor of a resident of New Orleans by the supreme court of Indiana. Perkins vs. Rogers, 35 Ind., 124.

On the other hand, it was contended that under President Lincoln's proclamation of non-intercourse issued the 13th of July, 1861, which declared certain states, including Louisiana, in insurrection, but in terms excepted from its effect those parts of such states which might be "from time to time occupied and controlled by the forces of the United States," the occupation of the city of New Orleans by General Butler, which became complete on the 6th of May, 1862, removed every disability, or at least, that the further proclamation of the President, dated April 2d, 1863, which expressly excepted the port of New Orleans from the territory in which commerce and intercourse were interdicted, had that effect.

The court in an opinion by Mr. Justice Cole sustained the latter view. Ahnert vs. Zann, 40 Wis., 622.

Several other decisions will be noticed in connection with legislation relating to the war.

The legislature of 1861 held its first session amid the rumblings of coming war. By joint resolution, approved January 21st, 1861, it pledged the state to the support of the Union and tendered to the President of the United States "whatever aid in men and money" might be required "to enable him to enforce the laws and uphold the authority of the federal government."

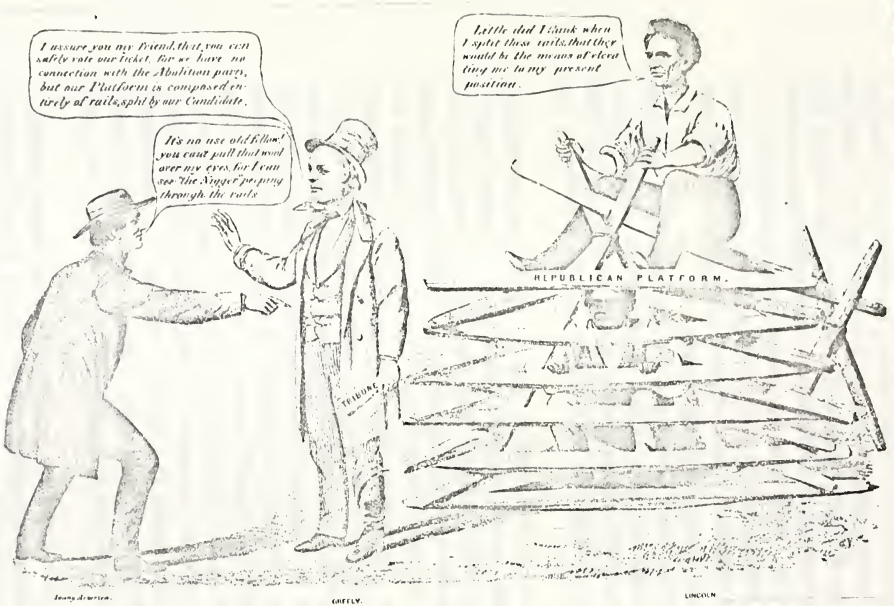
By another joint resolution, approved February 1st, 1861, the legislature endorsed the report of representatives Tappan, of New Hampshire, and Washburne, of Wisconsin, a minority of the congressional committee of thirty-three, to the effect that it be

"Resolved, That the provisions of the constitution are ample for the preservation of the Union and the protection of the material interests of the country; that it needs to be obeyed rather than amended; and that extrication from the present difficulties should be looked for in efforts to protect and preserve the public property and the enforcement of the laws, rather than in new guarantees for particular interests, and concessions to unreasonable demands."

A joint resolution of March 12th, 1861, recognized in the inaugural address of Abraham Lincoln "the words of the true patriot and the sagacious statesman," and pledged "the faith of the people of Wisconsin to aid the President of the United States in carrying out the principles indicated in his inaugural address to the fullest extent, putting into the scale, if need be, 'our lives, our fortunes and our sacred honor.'"

An act was passed and approved April 13th, 1861, that in case a call should be made by the President of the United States upon this state for aid in maintaining the Union and the supremacy of the laws, or to suppress rebellion or insurrection, the governor should "take such measures as in his judgment shall provide in the speediest and most efficient manner for responding to such call," and to that end accept the services of volunteers and supply them with uniforms and necessary equipments, and appropriating one hundred thousand dollars for the purposes of the act. (Chap. 239.)

The legislature, in both branches, had resolved that no business should be done after three o'clock of the 13th of April, and


I assure you my Friend, that you can safely vote our ticket, for we have no connection with the Abolition party, but our Platform is composed entirely of rails, spit by our Candidate.
It's no use old Fellow! you cant pull that wool over my eyes, for I can see the Nigger peeping through the rails
Little did I think when I split those rails, that they would be the means of elevating me to my present position.
REPUBLICAN PLATFORM.
TRIBUNE
Young America.
GREELY.
LINCOLN

that final adjournment should take place on the 15th. In the meantime Fort Sumter was assailed and surrendered. This induced the continuance of the session for two days during which the act just referred to was amended by increasing the appropriation from one to two hundred thousand dollars, and also appropriating twenty-five hundred dollars to the governor of the state for his contingent expenses as commander-in-chief. (Chap. 307.)

An act was also passed directing the bank comptroller "for the purpose of sustaining the credit of the banks of the state of Wisconsin, and protecting the people who hold the circulating notes thereof, from the unnecessary loss which would be occasioned by the sacrifice of the state stocks held in trust for the redemption of such circulating notes, in the present unsettled state of national affairs," to suspend all action under existing laws for the sale of securities pledged for the payment of bank notes until the first of December, 1861, and prohibiting notaries public, under severe penalty, from protesting any notes of Wisconsin banks for non-payment prior to that date. (Chap. 308.)

Chapter 309, amended by chapter 7 of the special session, exempted all persons entering the military service, during such service, from all civil process, and required all courts to suspend proceedings in any action against such a person until it should be made to appear that he was no longer in the military service.

This done, the legislature adjourned. But the state of the country became rapidly more alarming and on the 15th of May it met again, under the call of the governor, in extra session. This session was devoted exclusively to war measures, the most important of which will be briefly noted.

By chapter 2, counties, towns, cities and villages were authorized to expend money and to levy taxes to provide for the support of families of volunteers who needed such assistance.

Chapter 4 provided for raising and organizing not to exceed six regiments of infantry, including three already called into service of the United States; and that in case all six should be called, two additional regiments should be raised as a reserve, and that as often as a call should be made by the general govern-

ment, the governor should be authorized to accept the services of volunteers to the extent of two regiments in addition to the call, so that a reserve force should be constantly ready. The term of service was to be three years. The details of enlistment, organization, drill and instruction, the purchase and distribution of military stores and supplies were all provided for. The act made an appropriation of one million dollars.

Chapter 5 sharply prohibited the rendering of aid to the rebellion and directed the seizure of arms and munitions of war intended for rebel use that might be found in the state.

Chapter 6 provided for the procurement, by purchase if necessary, of arms and accoutrements, appropriating fifty thousand dollars.

Chapter 8 added five dollars per month to the pay of enlisted men having families dependent upon them for support.

Chapter 13, the final act, authorized the governor, treasurer and secretary of state to issue bonds and borrow money for the purposes of a war fund to an amount not exceeding one million dollars. All the other acts depended for their practical utility largely upon this. The public credit did not then run high and it was clear that the sale of the bonds would be an impossibility if any doubt of their validity was suffered to remain.

The money was wanted to aid in the suppression of the rebellion,—the rebellion of the southern states against the federal government. There was no invasion, insurrection or war within the borders of the state of Wisconsin. The loans could be contracted only under section 7, article VIII, of the constitution of the state, which authorized the borrowing of money "to repel invasion, suppress insurrection or defend the state in time of war." There was an obvious question, therefore, whether the insurrection of the southern states brought the situation within the purview of this constitutional provision.

Under these circumstances, the governor appealed to the judges of the supreme court to give him their public opinion of the constitutionality and validity of the law. It was doubtless irregular, and under ordinary circumstances improper, that the judges should give an extra-judicial opinion upon a question which might come before them for adjudication. But the exi-

gency of the crisis was supreme, and the judges addressed the following letter to the governor:

"STATE OF WISCONSIN, SUPREME COURT.
"Clerk's Office, Madison, June 5th, 1861.

"His Excellency Alex. W. Randall,
Governor of Wisconsin.

"Sir:—We are in receipt of your communication of the 4th inst., asking our opinion as to the constitutionality of chapter 239 of the general laws of 1861, entitled 'an act to provide for the defense of the state and to aid in enforcing the laws and maintaining the authority of the federal government,' and chapter 13, of the extra session held in May, 1861, entitled 'an act to provide for borrowing money to repel invasion, suppress insurrection and defend the state in time of war,' and as to whether bonds, issued under the above acts and in conformity to their provisions, would be valid and binding against the state.

"Your excellency is pleased to intimate that it has become a necessity in the present exigencies of the state and country to appeal to us for an opinion upon the above question. Yielding to this emergency, we have felt it to be our duty to give you our opinion upon the question suggested in your communication, and we would therefore state that we have considered the above mentioned laws, and from the examination we have given them we entertain no doubt as to their constitutionality, and we are of the opinion that the bonds issued in conformity to their provisions will be valid and binding upon the state of Wisconsin. Respectfully yours,

"LUTHER S. DIXON, Chief Justice.
"O. COLE, Associate Justice.

"P. S.—Mr. Justice Paine is at present in Milwaukee and has had no opportunity of acting upon the subject matter of your communication.

"O. COLE."

By the aid of this opinion, the bonds were negotiated and their validity has never been brought in question.

At the regular session of 1862 a number of amendments were passed to the legislation already mentioned. The five dollars extra pay per month to soldiers having families dependent upon them for support was, by chapter 112, approved March 12th, 1862, confined to organizations then already in the field or in process of formation.

An additional bond issue of two hundred thousand dollars for

the benefit of the war fund was authorized by chapter 228, and a special fund of twenty thousand dollars was put at the disposal of the governor for the care of the sick and wounded soldiers of the state. (Chapter 371.)

At a special session held in September, 1862, a general act was passed, authorizing counties, towns, cities and villages to raise money to pay bounties to volunteers. (Chapter 13.)

By far the most important act of the legislature of 1862, and one of the most important enacted during the war, was chapter 11 of the special session. It conferred upon the qualified electors of the state, who were in the military service of the United States or of the state, the power to exercise the right of suffrage at the several posts, camps or places where the regiment, battery or company to which the soldier belonged might be on the day of election. The act contained careful provisions guarding such elections in the field and for canvassing and returning the vote. It was passed by the party in power against strenuous opposition. Both its constitutionality and its expediency were strongly questioned. Its constitutionality was tested early in 1863 before the supreme court of the state in an action of quo warranto involving the office of sheriff of Dane county. Its validity was sustained and the "soldiers' vote" thus became established as an important factor in political contests. State ex rel. Chandler vs. Main, 16 Wis., 398.

The legislature of 1863 extended the soldier's right to vote to judicial elections. (Chapter 59.) It authorized an additional issue of bonds to the amount of three hundred and fifty thousand dollars for the war fund. (Chapter 157.) By chapter 196, it appropriated a further sum of fifteen thousand dollars for the care of the sick and wounded soldiers of the state. Chapter 215 authorized the governor to purchase new flags for regiments in the service of the United States from this state, to replace those worn out in the service. By joint resolution number 4, a state flag was formally adopted. This flag had been in use before but without formal action on the part of the legislature. An elaborate act "for the enrollment of persons liable to perform military duty, and the organization of the state militia for active service," was passed. (Chapter 242.) A special tax of two hun-

dred thousand dollars was levied for the "war fund." (Chapter 139.)

In 1864 the legislature authorized a further loan for the benefit of the war fund by the issue of bonds to the amount of three hundred and fifty thousand dollars, redeemable in and after the year 1896. (Chapter 360.) At the same time and for like purposes, a loan of three hundred thousand dollars was authorized upon certificates of indebtedness, bearing interest at the rate of seven per cent. per annum, and payable at the pleasure of the state treasurer on or before six months from the date of issue. (Chapter 361.) A special tax of two hundred thousand dollars for the war fund was also imposed. (Chapter 349.)

By chapter 117 the laws relating to the payment of five dollars extra per month to soldiers having dependent families were revised and consolidated. By this act, all the enlisted or drafted non- commissioned officers, musicians and private soldiers theretofore or thereafter mustered into the military service of the United States or of the state, in pursuance of any law of Congress or of the state, having families dependent on them for support were to receive from the time of being mustered, in addition to the pay provided by the United States, the sum of five dollars per month. Deserters and soldiers dishonorably discharged were excepted. This additional allowance was not paid each month but remained in the state treasury to be paid on such orders as might be drawn in accordance with the law for the support and maintenance of the family of the soldier. The balance remaining was paid to him at the expiration of his term of service. The definition of a "family" within the meaning of the act and the manner of drawing the money were minutely defined in the act. Under this act all Wisconsin soldiers serving in the Wisconsin regiments, who had families dependent upon them for support, received five dollars per month extra pay throughout their term of service.

A very large number of special laws authorizing bounties in particular localities to be paid to volunteers for enlistment and providing for raising the money by taxation or loans or both, were enacted at this session.

The legislature of 1865, besides enacting numerous special

laws for the raising of bounties for volunteers in specific localities, enacted a general law authorizing the qualified electors of each town, city and village in the state to raise by tax such sums of money as might be necessary to pay bounties to volunteers who might have enlisted or should thereafter enlist under the call of the President of the United States, of December 19th, 1864, for three hundred thousand men, and who should thereafter enlist under any further call of the President. This was the act the validity of which was questioned in the case of Brodhead vs. The City of Milwaukee, already noticed. (Chapter 14.)

Chapter 179 of 1865, made it the duty of the adjutant-general to compile complete muster and descriptive rolls, with all subsequent information obtainable, pertaining to the military history of each individual member of the several military organizations of the state which were then or might thereafter be in the service of the general government during rebellion.

Chapter 465 placed the further sum of fifteen thousand dollars at the disposal of the governor for the care of the sick and wounded soldiers of the state.

By chapter 478 large additional financial provision was made for the "war fund." The governor, secretary of state and treasurer were authorized to borrow upon certificates of indebtedness of the state, payable on or before seven months from their date and bearing seven per cent. interest, such sums as they might deem necessary, not exceeding in the aggregate eight hundred and fifty thousand dollars; and a special tax to the same amount, to be levied in the year 1865, was authorized to meet their payment.

A memorial addressed by this legislature to the President of the United States, not by reason of its importance but for its unique character, may be entitled to notice in this place. It insists "that no proposition for peace should be entertained by the government of the United States other than full submission" on the part of the rebels in arms; and renews the pledge of the state to bear its full share of the burdens and hardships imposed; but finds fault with the distribution of burdens of recruitment of the armies imposed by the government of the United States, and of the great injustice which has been es-

pecially done in the case of the state of Wisconsin. It contains, among others, the following reflection: "Your memorialists are of opinion that General Fry (the provost-marshal-general) has a new arithmetic, the principles of which he alone understands; that by its practical application, when he subtracts the credits which a district is entitled to, from the quota required from such district, such quota is thereby enlarged." The memorialists ask "respectfully, though earnestly" that this weak arithmetician be removed from his present position, and "that the same be given to some person competent to discharge the duties thereof, and who will have some regard for equality and right."

The legislature at this session incorporated the Wisconsin soldiers' home. The original act incorporated fifty ladies, chiefly of Milwaukee, to constitute a body corporate of the name and style of 'Wisconsin Soldier's' Home,' to be permanently located at Milwaukee, for the purpose of providing and caring for the sick, wounded and disabled soldiers temporarily sojourning in the state of Wisconsin. This organization, it is well known, raised a large sum of money, which was subsequently turned over to the United States upon the establishment at Milwaukee of the national home for disabled volunteer soldiers.

It has been thus attempted roughly to sketch the most important legislation bearing on the war enacted during the years of its duration. A few acts of subsequent years, of a germane character, remain to be noticed.

Chapter 5 of the laws of 1866 authorized towns, cities and villages to erect monuments to the memory of deceased soldiers of the war. (Section 937, R. S.)

By chapter 69 of the same year a Soldiers' Orphans' Home was established. It was located at Madison. It was supported by annual appropriations by the state until the year 1876, when by chapter 21 of the laws of that year, its property was turned over to the state university. The trustees of the orphans' home had been authorized, by chapter 72 of the laws of 1874, to find homes for orphans over fourteen years of age outside of the home. For orphans so placed, the state continued to provide through the trustees of the Soldiers' Orphans' Home after the home itself had been discontinued.

In 1887 the legislature, by a series of acts, provided for a separation of indigent soldiers of the late war, and their families, from other poor and indigent persons supported more or less at the public expense. It was made the duty of the several counties to levy a separate tax for the relief of "indigent or needy Union soldiers, sailors and marines, and the indigent or needy wives, widows and minor children of indigent or deceased United States soldiers, sailors or marines;" and three commissioners, of whom at least two were to be honorably discharged soldiers, to be appointed by the county judge, were charged with the disbursement of this fund. Provisions were also made for supporting destitute Union soldiers and their families at the Wisconsin Veterans' Home, then recently established under the auspices of the grand army of the republic at Waupaca. (Chapters 513, 518 and 304.)

These enactments have been more or less amended, but in their general scope and spirit remain in full force.

ORIGIN AND ANTIQUITY OF HERALDRY.

II.

Description of the Sub-Ordinaries as They are Applied to Coat Armor.

BY HENRY WHITTEMORE.

THE FESSE in armories is generally taken to represent the military belt and girdle of honour used in the ceremonies of old at the investure of the nobility and knights. Guillim says that the girdle of honour was anciently bestowed by emperors, kings and generals upon soldiers for their special services. Favin says in his "Theatre of Honour" that when Charlemagne went to the battle against the Hungarians in the town of Ratisbon he created his son, Louis Debonnair, knight by engirthing him with the *baldrick*, which he describes to be a military belt or girdle to which was fixed, on the left side, a sword, and on the right, a long poignard, or war-knife, much like the daggers used in Scotland. On the portraiture and statues of great men on monuments and gravestones this girdle or belt as a sign of nobility or knighthood, is variously adorned with figures, precious stones, and studs of gold and silver to represent their eminency. Such an one has been anciently carried in the armored ensigns of the noble and princely family of Stewart, which is known as a fesse cheque.

THE BAR is a diminutive of the fesse, and of the same form. Guillim says this is formed by two lines equivalent drawn athwart the escutcheon and contains only the fifth part of the field. By the name it is known to represent a piece of timber or other matter laid transverse over some passes, bridge, or gates to stop and debar enemies from entrance, and for that effect says John Ferne, they are called bars which represent in armories, force, valor and strength, and the same authority says

of the pallets, bendlets and chevronels that they represent the pieces of timber in the fortification of camps, cities, and the barriers of places where tournaments and justings were celebrated; while from the various position of these pieces came the different names. According to English authority, there is no other difference between the fesse and the bar, but that one possesses the third part of the field, and the other only the fifth part, and both horizontally. It is evident, then, that the bar is but naturally a diminution of the fesse. It is not confined to any certain or prescribed place as the fesse, but may be transferred to any part of the escutcheon.

When small figures are ranged horizontally above or below the middle of the shield, they are said to be in bar. As for example, some of the surname of Ouston gave for arms a crescent between two stars ranged bar-way in chief between two stars bar-way in base argent. When oblong figures are placed in the field of arms horizontally one above another, they are said to be bar-ways as some blazon the arms of England, gules, three leopards bar-ways in pale or.

Sir George MacKenzie in his "Science of Heraldry" gives us the arms of Elles, parted per bend sinister, argent and gules, a hand couped and grasping a lance bend-ways, bearing on the top thereof an helmet proper; in the sinister chief angle, a spur-rowel of the first, and in the dexter base, a horse-head couped sable.

When the first two lines mentioned, parted per pale and parted per fesse, meet in the field they divide into four equal parts or quarters which are of different tinctures; the first quarter as the fourth, and the second as the third. When the other two partition lines per bend, dexter and sinister *tranche* and *taille,* meet in the field they divide into four quarters or areas. When the three partition lines, *coupe, tranche* and *taille* meet in one field they make six triangular areas which the English blazon gironne of six, or and sable. When all the four principal partition lines meet in one field they divide it into eight angular and conal areas or pieces like to girons.

Besides the four principal partitions described there are

others, and especially one very frequently used by the English and Scotch, but not with the French under the name given.

Parted per chevron. This is made by two half diagonal lines rising from the dexter and sinister base flanks and meeting in the collar point of the shield, parted per chevron sable and argent. The English heralds bring this partition as they do others from the ordinaries which the French do not. When there are two perpendicular or paler lines dividing the shield or field into three equal parts without cutting the centre it is blazoned tierce in pale, azure, or and gules.

Tierce in fesse is such another, made by two horizontal lines, dividing the field into three equal parts, azure, sable and argent.

These partitions by tiercing the field are not used in Britain in forming a simple coat of arms, but only when they marshal three coats of arms in one shield. This is called tierce in mantle, azure, argent and gules. The Spanish marshal their arms by this partition tierce in mantle as the family of Henriquez, first and second argent, charged with a lion rampant, gules, and the third of the last with a castle, or, being descended from a natural son of Ferdinand, King of Leon and Castile.

There is another partition more frequent, parted per pile in point or and sable, so blazoned by Guillim and other English heralds. Gerard Leigh says, "the pile point of the coat may be charged and no other part thereof and it may be used as only one coat,"

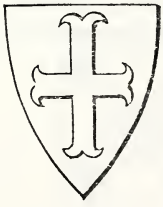
Ordinaries—Charges. "All Charges of Arms," says Guillim, "are either Proper or Common. These charges are said to be proper, when by certain Property do particularly belong to this Art and are of ordinary Use thereon, in regard whereof they are called Ordinaries and they have also the title of Honourable Ordinaries in that the Coat Armour is much honoured thereby, forasmuch as they are oftentimes given by Emperors, Kings and Princes in Addition of Honour unto the Coat Armour of Persons of Desert for some special services already past, or upon hope of some future worthy Merit. Moreover they are also called most worthy Partitions in regard that albeit the Field be charged in divers parts thereof whither with Things of one or of divers kinds, yet is every one of them as efficient

as if it were only one by the Sovereignty of this Partition being interposed between them. There are nine of these Honourable Ordinaries—Chief, Cross, Pale, Bend, Fess, Escutcheon, Chevron, Saltier, Bar."

The chief is that honourable ordinary which possess the third upper part of the shield horizontally. Says Guillim, "It betokeneth a Senator or honourable Personage, borrowed from the Greek, and is a word signifying Head, and as the head is the Chief Part of Man, so the Chief in the Escutcheon should be a mind of such only whose high Merits have procured the chief Place, Esteem and Love amongst Men.

"He beareth Gules a Chief Argent surmounted of another, Or. This is accounted good Armoury and signifieth a double Reward given by the Sovereign. So will many a Gentleman deserve in giving Counsel to his Sovereign that he may be twice rewarded for the same. These additions of Honour that are given in Reward for Counsel or wise Actions are thought to be placed most fitly in the chief Part, or Head of the Escutcheon."

Nisbit says: "It is generally taken as a mark of wisdom and prudence, for chief signifies the head; and any concession of armorial figures granted by sovereign princes to their deserving friends and subjects are ordinarily placed on a chief, as all these concessions of armorial figures made by the emperors to the free states of Genoa, Maraesdula, Masse, etc."



Cross Moline.



Cross Patonce.



Cross Fleury.

Cross. The large plain cross is one of the so-called Honourable ordinances. This was first adapted in general heraldry use by those who had actually served in the Crusaders. The smaller crosses borne in coats of arms are not considered to be ordi-

naries, but simple charges. When the cross was *flory* or *fleurette* (*flowered at each end*), it was said to signify one who had conquered; but when borne raguly—drawn with lines raguly—it denoted that very great difficulty had been encountered. The cross patonee or cross florry is a somewhat frequent bearing and means the same as the *fleurettee* cross. The above are generally only borne as common charges. "The cross," says Guillim, "is the most honourable charge to be found in heraldry and its bearing is the express badge of the Christian."

The cross has been anciently, and frequently used by Christians on their ensigns, flags, armories, etc. Constantine the Great is said to be the first who assumed it, and carried a red cross in a white field, which is the ensign of the flag of England, assumed by the Briton, says Edward Bolton, because the Emperor was born in Britain. The large crosses are borne engrailed, invecked, etc., while as common charges they are found borne in arms in a variety of forms. In heraldry every form of the cross has a direct reference to the church and the risen head.

The cross is subject to be voided, that is when its middle part is cut out and the field appears as though the middle in all its parts. If the voiding be of another color or metal than the field, the cross is then said to be charged with another cross. When a cross is accompanied with figures the English in their blazons use the word betwixt or between; the French say a cross is cantoned with such figure. Canton is said of the cross and saltier when they are placed between figures which appear between the branches of the cross and saltier, in the canton.



Saltire.



Chevron.

Saltier, or Sautoir. Gerard Leigh and his followers are of opinion that this was an instrument used of old by soldiers in place of ladders to scale the walls of towers. Sylvanus Morgan

says: "Though it may be taken as an instrument of manhood in scaling of walls it may likewise be called *scala coeli* for many have ascended to Heaven by this cross." This figure, as well as others, may have various significations, and has been assumed upon different accounts in armories; but the saltier is generally taken for a cross, and that which contributed most to its frequent bearing in arms, was devotion to the Christian religion, and to patron saints who suffered on crosses after the form of the saltier as of the apostle St. Andrew. Heralds tell us that some carry it plain to show their willingness to suffer for the faith; and others raguled, to show the difficulty thereof, as these crosses of St. James and St. Lawrence; some bent them in their arms fitchee to show the sharpening of the arms; and others florry to testify their victory over it.

It is said that Achaius, king of the Scots, and Hungus, king of the Picts, having joined forces to oppose Athelstan, king of the Saxons, superior to them in force, addressed themselves to God and their patron St. Andrew; and as a token that they were heard, the white saltier arms, upon which St. Andrew suffered martyrdom appeared in the blue firmament; which so animated the Scots and Picts that they defeated the Saxons, and killed king Athelstan in East Lothian; which place to this day is known by the name of Athelstanford, corruptly pronounced Elshenford. After the victory the two confederate kings, out of a sense of singular mercy, went in procession to the church of St. Andrew's (where the arm of the saint was said to be kept as a relic), to thank God and his apostle for the victory; purposing that they and their successors should in all time to come use on their ensigns the cross of St. Andrew's. The Picts were subsequently overcome and expelled by the Scots; but it has been the constant practice of the English and Scotch Kings to carry a white saltier cross, or a blue banneret.

The Bend is formed by two lines drawn diagonally from the dexter chief to the sinister base, and comprises the third part of the shield, when charged, and a fifth part when otherwise. The bend is generally taken to represent in arms the shoulder belt. It is not only subject to all the accidental forms of lines which compose it, but is to be voided.

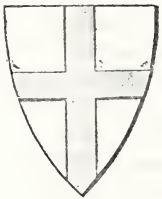
The bend sinister is the same as the bend, excepting that the lines are drawn from the sinister chief to the dexter base. The



Bend.



Bend-sinister.



Cross.

first diminution of the bend is called a bendlet, which possesses in breadth the sixth part of the field diagonally.

The bendlet, says Ferne, in his "Lacias Nobility," represents a scarf which soldiers wore over their shoulder from one side to the other under the arm. When there is but one in a field of arms it was blazoned by inadvertent heralds a bend, and that is the reason, says he, why we rarely meet with a bendlet mentioned in blazon.

In the arms of Guides, second son of William, Lord Dampetria, and his lady, Margaret, Countess of Flanders, who carried the arms of Dampetria, were two leopards bruised with a bendlet for difference, in the year 1251; this he laid aside when he succeeded his elder brother William.

The other subdivision of the bend is called a cost, which contains in breadth, half of the bendlet. When it is borne alone it is always called a cost, say the English, but if by couples, then they are called cotises. The denomination of the cost is called a ribbon, and contains the eighth part of the breadth of the bend, the name agreeing well with the form and quantity of the same in that it is long and narrow, which is the right shape of a ribbon. Such an one is carried on the arms of Abernethy: or, a lion rampant, gules, surmounted with a ribbon sable. When bendlets are placed two and two together they are called bendlets gemels.

Guillim says: "Besides these bearings bendwise above demonstrated, we mentioned another by the name of a bendlet, which hath greater Resemblance with a Bend than any of the rest, and

by the Name it may seem to some to be some Subdivision of the Bend. It hath no certain quantity, but continueth evermore a sixth Part of the Field." The bend is held to signify defense or protection. This is described in the family of Monteith. The first of this name was Walter and brother to Alexander, high steward of Scotland, who, being made earl of Monteith, took the surname of Monteith, which descended to his posterity, and to show that they were originally of the stock of the Stewarts, they turned the fesse cheque to a bend; for to change a fesse to a bend, and a bend to a fesse had been an ancient practice for difference of descendants.

The chevron, supposed by some writers to have been adapted from the bow of a war saddle which rose high in front, is formed by two parallel lines drawn from the dexter base, meeting pyramidically about the fesse point two other parallel lines drawn from the sinister base. A great variety of opinion exists even among the best authorities as to its origin. Nesbit says:

"This honourable Ordinary is made of the bend dexter and sinister issuing from the right and left base points of the escutcheon, meeting and ending pyramidically in the collar point."

The French say that it represents a pair of compasses half open. The chevron, anciently, as appears by old seals and monuments reached from the base to the top of the escutcheon. But in later times the top of the chevron reaches no further than the collar point. Gerard Leigh says the chevron represents the head attire, which, in old times the women priests used to wear. The author of "Tresor Heraldique" says it represents a horseman's spur.

Merestier says of the chevron, as of the saltier and other traverse pieces of armories, that it may be supposed to be brought from the piece of timber which made up the barriers of tournaments, enclosures of parks and entries which are joined at the upper and severed below. The English generally take the chevron to represent a pair of large couplings or rafters such as carpenters set on the highest part of the house, which is never complete till these be set up; and they say a chevron should be

given to those who have brought any great design to perfection. So that it is the figure of an established house; it is so called from *tigo,* to cover.

Sir George Mackenzie, in his "Science of Heraldry," says the chevron is given by heralds to such as have supplied and relieved their prince and country and that thus the Hepburns carry gules on a chevron argent, two lines pulling at a rose of the first, because the Scots being in battle with the English, and like to be worsted, two brothers of the name of Hepburn opportunely came in with fresh supplies and recovered the battle; "and therefore he will have the chevron to signify the relief they gave, and the two lines to represent themselves as Scots pulling at a rose, the badge of England."

Sir George observes also, that Robertson of Stroan had a chevron added to his arms for apprehending Graham, the murderer of King James I of England, and that this family disused it afterward because of its being frequently used as a mark of cadency. According to the French the chevron takes up the third part of the field, but by the English only a fifth part.

When there are more chevrons than one in the field some English heralds call them chevronels. When the field is filled up with pieces of metal and colour of equal numbers after the form of chevrons they use the term chevroney of so many pieces. The chevrons as other ordinaries is sometimes carried couped. The denomination of a chevron to the half its breadth is called by the English a chevronel and the half of a chevronel as to its breadth a couple closs; but the last, says Nesbit "is not carried alone except when a chevron is between two of them."

The Bordure was formerly a mark of difference to distinguish one branch of a family from another. It surrounds the field, occupying one-fifth of it, and is of an equal breadth at every point. The bordure is more frequently made use of as an additional figure or mark of cadency than any of the honourable ordinaries, yet it has been frequently carried in arms as a principal figure by the stem or chiefs of several names. The earl of Panmura had his arms within a bordure which is carried by all the descendants of these families as a principal figure. "And further," says Nesbit, "it may be said for the honour of the

bordure that it should the rather be looked upon as a principal figure since it has diminution in heraldry."

The bordure may be charged with all things animate and inanimate and with proper and armored figures. When the bordure is charged with birds it is called enaluron. When charged with beasts it is known as a bordure enurny. When the bordure is of any of the furs it is called bordure perflew, or perflew vair.

The Orle is an inner border that does not touch the extremeties of the shield, the field being seen within and round it on both sides. It has the appearance of an escutcheon voided, or, as it were, insulated. The breadth of the orle is not determined by heralds, being a diminutive of the bordure proportionable to the extension of the field and the figure within and without, which accompanies it. It is said by heralds to have been used in the arms of those who have given protection and defence to their king and country, for as the bordure defends the figures that are within, so also does the orle, and may be thought upon that account to have been carried by some ancient families who were active in defending the borders of the kingdom. The surname of the king carried an orle in old "Books of Blazons."



Orle.



Tressure.



Lozenge.

The Tressur or tresehur as the French write it, is the diminution of the orle, so that it is a trace or tract flowered, surrounding the inner part of the escutcheon as an orle. When there are two of these tracts flowered and counterflowered within and without as those in the royal ensign of Scotland, it is called a double tressure, and is not allowed to be carried by any subject without a special warrant from the sovereign, especially to

those who were descended from a daughter of the royal family; and so to them it is a tessera of a noble maternal descent as the orle before mentioned is to the Spaniard.

The Inescutcheon is a small escutcheon borne within the field. Though this figure does not represent the military shield and may be treated of among the common charges, yet heralds place it among the lesser ordinaries as a proper armorial figure, and when there is but one of them in the field it possesses the fifth middle part of it, and the rest of the field round it looks like a bordure; it is called escutcheon or inescutcheon, being contained within the field as other charges.

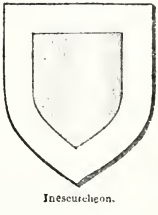
David, earl of Huntingdon and Garloch, in Scotland, brother to King William the Lion, both grandsons to King David I, carried, argent an escutcheon within a double tressure, flowered and counter-flowered gules. Sir John Ferne in his "Lacias Nobility" says he took the field argent instead of or, the field of Scotland, because it was the field of arms of his grandmother, Maud, daughter of Waltheof, earl of Northumberland and Huntingdon (who carried, argent, a lion rampant azure and a chief gules), to show his descent that way, and retained the double tressure to show his descent from the royal blood of Scotland, and the escutcheon, says the author "did represent him as the shield of his country in his brother, the king's absence, and his valor when he was abroad with his countrymen in the Holy War."

The Quarter is the space formed by two lines, the one drawn horizontally from the side of the shield to the centre, and the other perpendicularly from the chief to meet it in the same place, and occupies one-fourth part of the shield as the term implies. The quarter, says Gerard Leigh, "is given to none under the degree of a lord baron," but his countryman, Guillim, says it may be granted to those of a lesser nobility.

The Caulon, derived from the cantonnee cornered is less than the quarter, comprising only the third part of the chief, and is formed, as is the quarter, by a perpendicular line drawn from the top of the shield, meeting another drawn horizontally from the side. The canton always occupies the dexter chief of the escutcheon, unless otherwise expressed. The canton, says one

authority, is a square figure, and possesses only a third part of the chief. It is an additional honour worthy to be used by all degrees of nobility according to English authority. Gerard Leigh says that the franc quartier should be given to the high nobility, and the canton to the lesser nobility, knights, esquires, and gentlemen. In the year 1287, John, Duke of Bretagne, in France, carried cheque, or and azure, a bordure gules, (being the arms of the Counts of Dreux, of which family he was descended) a canton ermine (the arms of the Earls and Dukes of Bretagne), which arms were upon his seal in the reign of Henry III of England, whose daughter he married.


Canton.


Inescutcheon.


Bordure.

Sir Stephen Fox, a loyal gentleman and follower of King Charles II, in his exile, carried, ermine, a chevron azure charged with three fox heads erased or, and got for added honour, a canton of the second, charged with four darts of the last. And, said another, a canton by way of special concession was granted by King James I to Sir Thomas Ashton.

Cheque or Chequey is used when the field or any armorial charge is divided by transverse lines perpendicularly and horizontally into equal parts or squares, alternately of different tinctures like a chess board. On ordinaries chequey must consist of at least three ranges of square pieces. The term cheque in heraldry is said of the field or any other charge or figure filled with square prices alternately of different tinctures which is said to represent in armories battalions and squadrons of soldiers, and so is a fit bearing for chief commanders of armies as those of the ancient family of Stewart have been. Other heralds say that the term cheque is from the French word *echiquier*, a

chess board because the accountants in the office of the king's exchequer did of old, use such boards in calculating their accounts.

English writers say that their court exchequer is so called from a chess board used by accountants or from a cheque wrought carpet which covered the table of the court. The seal of James, seventh lord high steward of Scotland, represents a man on horseback, in his coat of mail brandishing a sword, and in his left arm a shield charged with a fesse cheque; and the same design was also on the caparison of his horse, both behind and before, and on the reverse of the seal was a large triangular shield with a fesse-cheque bousse.

Billets, are oblong figures. When they exceed ten and are irregularly placed their number is not expressed in the blazon; but the field or charge covered with them is said to be billettee. Sir George Mackenzie says that some families have them in their arms to show that the original was from England where brick tiles are much used.

Baron and Menestrier say that billets represent long, square pieces of wood, deriving billet from billus, a club, which comes from the old wood billot which signified the trunk of a tree more long than broad. The proper posture of the billets is to be erect in pale; when shown in fesse or fesse-way they are said to be couche, and when they are diagonally placed they are said to be bend-way.

The Gyron in gironne is a French word which signifies lap; for suppose one sitting, the knees somewhat asunder and a traverse line drawn from one knee to the other, the space within the two knees make a gyron with the points in *gremer;* so all gyrons are of a triangular or conal form, broad at one end and sharp at the other. The first is at the sides of the shield, and the other ends at the navel or centre point of the shield. They are said to represent triangular pieces of stuff commonly called gussets placed in garments to make them wide below and narrow above. The groves in length do not exceed the centre of the shield from whatever side they issue, and their points terminate and meet in the centre.

The Pale is formed by two lines drawn perpendicularly from

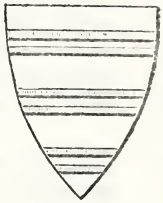
the top to the base of the escutcheon, comprising a third part of the field. "The French," says Mackenzie, "say that soldiers of old carried pales of wood to encamp them, which they fixed in the earth and thus originated this heraldic bearing. The pale is said to denote military strength and fortitude and has



Pile.



Chevron Cotised.



Bars Gemelles.

been bestowed on those who have impaled or otherwise defended cities which have supported the government of their sovereign and 'for standing uprightly to their prince and country.' " The palet is a denomination of the pale, and the endorse is a still further denomination of the pale and would in each case signify the same as the pale.

The Pile is supposed to represent the large pieces of wood used by engineers in the construction of bridges or of buildings on insecure or marshy ground. It is therefore well fitted, says Guillim, for an engineer or for one who has shown great ability in any kind of construction. Another authority says: "This is an armorial figure more frequent in Britain than in any other nation. It is of conal form, more oblong than the gyron; the point does not end in the centre, but proceeds farther into the field and sometimes to the extremities of the shield. The English describe it as an ordinary, composed by a twofold line, formed like a long wedge, and when but one in the field, the great end possesses the third part of the shield. The English ascribe to it many significations in arms. It represents the ancient weapon peculiar to the Romans, called *pilum* from which the pile is latinized *pila*.

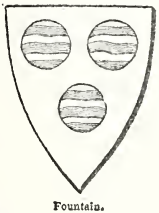
Morgan says it is a fit figure to be given to generals and commanders, who have ordered their army in battle after the form

of a wedge, and have obtained victory by that form. "The Art of Heraldry" says that the pile represents in armory such pieces of wood which make all the foundations of buildings and fortifications sure and firm in marshy and watery ground, that it is a fit symbolic figure for those who have founded governments and societies, and it is said that Edward III of England, gave the pile to Sir John Chandos for his armorial figure upon the occasion of his valor against the French, and as one of the founders of the memorable Order of the Garter. This Sir John Chandos was well known to the French, for almost all their heralds take notice or his arms.

Sir George Mackenzie says: "Besides the former signification of the pile, when there are three of them in the field, they are thus to represent the three passion nails as symbolic, assumed by such as returned from the Holy Land."



Roundles.



Fountain.



Flanches.

Flaunch or Flanque. Guillim says that these are made by an arch line drawn somewhat distant from the corners of the chief on both sides and swelling by degrees to the middle of the escutcheon and thence descending gradually in the base points. The flasque is lesser than the flanque and the evidence is the dimunitive of both. Such figures are in reward for learning and especially for service performed in embassies; and the evidence, the dimunitive of flasque, is a suitable reward for a gentleman who has dutifully served his prince or princess.

The Lozenge is a figure that has equal sides and unequal angles, as the quarry of a glass window placed erect point ways. Heralds tell us that their use in armories came from the pavement of marble stones, of churches, fine palaces, and houses,

cut after the form of lozenges, which pavements the French and Italians call loze, and the Spanish call lozas, and when in arms they are taken for marks of honourable descent from some noble house. When there is but one lozenge in the field, and it touches the four sides of the shield, it is called a grand lozenge.



A. Lincoln

AMERICAN HISTORICAL MAGAZINE

VOL. 3 MAY 1908 NO. 3

DOUGLAS, LINCOLN, AND THE NEBRASKA BILL

BY ALBERT WATKINS

I

THE two opposing leaders in the most momentous struggle since the adoption of our federal constitution were typical men of the middle west, and the question in dispute which was the cause of that struggle—for supremacy of one of two distinct social systems— arose also in the same section. The careers of these two men, one, and probably both of them, worthy to be called great, were directed and blended and their characters illustrated in that decisive controversy. The approaching semi-centennial anniversary of the famous debates between them will doubtless lead to a more critical and fairer investigation of their attitude toward the slavery question previous to the outbreak of the war.

Stephen Arnold Douglas was the father of political Nebraska; and, as in the operations of the physical world, this giving of life was the precursor of death. The Nebraska bill which brought death to Douglas lent life to Lincoln—and the republican party. These opposite effects of the same cause were not accidental or an exception to the orderly rule of nature, but an explicable and logical sequence. They were owing not so much to the opposite party affiliations—which might well have been governed by environment—as to the opposite temperament of the men themselves. From a general or superficial view, Douglas, of New England birth, should have had the sympathetic bias against human slavery which so strongly affected Lincoln, and Lincoln, of immemorial Virginia and Kentucky lineage, should have been willing, as Douglas was, practically to disregard the immorality and injustice of holding in bondage an inferior people so long as the proposal of their enfranchisement menaced the white man's welfare, to him of paramount importance.

Lincoln was a truly American type, but Douglas was more truly a typical American. Lincoln was strongly idealistic, and his moods were introspective, poetical and religious. His superlative gift of sympathy made him one with the multitude, and the allied gift of melancholy ripened sympathetic public regard into adoration, as like gifts won worship for his prototype who also was "a man of sorrows and acquainted with grief." It seems to be generally conceded that, in his earlier life at least, the poem, "O, Why Should the Spirit of Mortal be Proud," was a great favorite of Lincoln's. This partiality for a composition not above high class doggerel probably gave way to the influence of his latent taste, awakened and developed in the terribly impressive school of experience in which his later years were spent. But the fact that this favorite is a wail of gloomy fatalism,

> "Without one cheering beam of hope,
> Or spark of glimmering day,"

illustrates Lincoln's tendency to melancholy. In an environment lacking the American stimulus, Lincoln might have been a mere dreamer of dreams. But the American frontier spirit, abhorring anything so non-practical as a mere philosopher, fashioned out of his strong but alien qualities a subtle politician plus a virile strain of statesmanship.

Douglas and Lincoln were opposites in all important respects save one; politics was their profession and absorbing occupation, and they were rivals in its widest field and for its highest honors. Douglas demonstrated his great capacity for leadership of the dominant national party, and for practical statesmanship as a member of the national congress for twenty years. In fact the sum total of his practical accomplishment up to his untimely death in 1861, was far greater than that of Lincoln.

At the outset of his career each was a popular prodigy, but in a different way—Douglas through the inspiration of dominating force, Lincoln through the gift of brawn and good-fellowship. At the Ottawa debate Douglas said of his rival: "He was then (in the days of their early struggles and poverty) just as good at telling an anecdote as now. He could beat any of the boys

wrestling or running a foot-race, in pitching quoits, or tossing a copper, could ruin more liquor than all the boys of the town together, and the dignty and impartiality with which he presided at a horse-race or fist-fight excited the admiration and won the praise of everybody." In physical height Douglas was almost a dwarf, while Lincoln was almost a giant. Douglas was thick-set, and in appearance comely; Lincoln was gaunt, ungainly and altogether uncomely. This was the superficial impression and popular belief; but critical observers maintain that Lincoln handled his huge frame remarkably well with the "awkwardness of nature which is akin to grace." He had the genius of presence which Milton's apostrophe to melancholy so aptly portrays:

"All in a robe of darkest grain,

* * * * *

Come; but keep thy wonted state,
With even step and musing gait,
And looks commercing with the skies,
Thy rapt soul sitting in thine eyes."

Douglas' voice was a deep, and when not overstrained, a rich baritone; Lincoln's was high-pitched and under emotion broke into a shrill treble. Douglas was a typical American in that doing, at the expense of being, distinguished and dominated him. He preferred propulsion to persuasion. He was a trip-hammer in perpetual motion and himself drove his measures through, now being his accepted time.

His oratory was strong, bold and imperious, but lacked imagination, sentiment and grace. Lincoln's master impulses were sympathetic, and his ultimate aim was to ameliorate the condition of his fellow men. Those of Douglas were for mastery, largely for the joy of it. While Lincoln's career waited the slower but surer propulsion of moral force and his strength was not generally recognized or his fame established until after his death, the masterful spirit of Douglas, which would not be denied, raised him to almost immediate command of the dominant party to which he naturally attached himself. Significantly also, Lincoln's original party was dying when he espoused it, but his moral sentiment and spiritual devotion,

which Douglas seriously lacked, engaged him in the doubtful enterprise of waiting the growth of a new party which met his spiritual demands.

Douglas was opposed to slavery; but, unlike Lincoln, his opposition was not fundamental or insistent, and so he sought, and with wondrous speed attained leadership of the party which was dominated by slavery, but which he intended to bend ultimately to his antislavery purpose. It is quite explicable and natural, then, that during the slow working of the antislavery virus with which Lincoln was with subtle process and power innoculating the north, Douglas with ease temporarily triumphed over him. For the short run Douglas had the upper hand in the famous debates of 1858, and later it was not for Lincoln but for his cause that the majority in the north forsook their long-time magnetic and dazzling leader. The east would have no mind to this audacious Young Lochinvar, if for no other reason than that he had the audacity to come out from the west.

If Douglas was moved but little by sympathy or moral sentiment in contemplation of the monstrous system of slavery, yet surely his attitude toward the whole momentous question it involved was more statesmanlike than Lincoln's; for in view of the successful expedient of the first two compromises, there was strong ground for hope that he might continue to avoid the dreaded rupture by effecting still another compromise which, without strengthening slavery or widening its domain, would save the union and avoid the horrible and doubtful resort to war. Was not the responsible leader of the majority party in the circumstances forced to a temporizing policy by humane as well as generally expedient considerations?

Lincoln, possessed by a moral and sympathetic bias, constantly agitated the slavery question, stimulating abolition zeal on the one hand and irritating the even less rational and exceedingly fiery and solicitous slaveholders on the other, thus provoking the secession and war which Douglas, like Webster and Clay, strove primarily to prevent. "Brutus says he was ambitious;" but was not the presidency the eager goal of Chase, Seward and Lincoln—the antislavery leaders? And as a direct

result of their opposition to the peace policy of Douglas, their playing upon the susceptible emotions of both north and south, the one obtained his goal and the others reaped rich collateral reward. Indeed it is a hackneyed, as well as, in my opinion, an immoral boast of hero worshipers that Lincoln was shrewder and longer-headed than Douglas in the debates of 1858 because he persistently denounced slavery as intolerable, with the cunning foresight that the reaction of the resulting irritation of the south upon the northern conscience or prejudice would open his way to the coveted presidency.

Let it be remembered, too, that until the moral aversion to slavery had been excited to madness in part by the radical abolitionists, but largely by Lincoln himself, who was the logical and actual beneficiary of this policy, Douglas easily distanced him in the rivalry for leadership. Lincoln joined Greeley, Webster and other whig leaders in the tactical, if not cruel mistake of denouncing the democratic administration for waging "an unnecessary and therefore an unjust war" against Mexico while the armies of their country were battling in a distant land against a foreign foe. The adroit advantage which Lincoln took of the equally unwise tactical mistake of Douglas in repealing the Missouri compromise as an incident to the passage of the Nebraska bill, raised him out of the discouraged obscurity into which he had fallen at the expiration of his single term in congress—which was distinguished only by the tactical blunder in question.

Statesmen must deal with existing conditions in contradistinction to ideals. Mere statesmen mould such policies and measures as they may out of the common clay their public affords them. Prophets or poets are content to furnish ideals which statesmen may sometime be able to utilize in practical forms. Douglas was a mere statesman, though of a higher type than "Tom" Reed's definition of that functionary, "a dead politician." Lincoln was the prophet-statesman, not meant for the complete idealistic surrender of the prophet which Lowell shows us in Wendell Phillips:

"He saw God sat upon the weaker side,
Therefore he went

And humbly joined him to the weaker part,
Fanatic named and fool, yet well content."

And in Garrison, also:

"Such earnest natures are the fiery pith,
The compact nucleus, round which systems grow.
Mass after mass becomes inspired therewith,
And whirls impregnable with the central glow."

The politician dross in Lincoln "paid dear for his White House;" but the larger measure of self-surrender and sacrifice induced by his responsiblility through the stress and tragedy of the war, all but made him over into the pure prophet; and stimulated by his martyrdom, fortunate as respects his fame, the popular imagination has done the rest. For this reason Lincoln will never be impartially or judicially judged. On the other hand the temper and methods of Douglas were such that his faults were not only always palpable, and often glared under the search-light of excited altruism which was turned on him; but his policy was superseded by another which was glorified by the most dazzling of all achievement—a successful appeal to arms—in such characteristic prodigality that even his undeniably great and brilliant deeds have been obscured in the contrast.

Douglas, as the majority leader, was confronted with a condition which overshadowed all else,—imminent menace to the union. He foresaw, and forewarned the country against the inevitable result of Lincoln's politically subtle and selfish, yet largely sympathetically inspired protest against slavery. The power of practical leadership impressed upon Douglas a concomitant responsibility and sense of fear from which Lincoln was free. Indeed, Lincoln was confessedly blind to the danger which Douglas strove to avert.

The closing words of Douglas in the Ottawa debate were:

"I believe that this new doctrine (the delimitation and ultimate extinction of slavery) preached by Mr. Lincoln and his party will dissolve the union if it succeeds."

"Why can we not thus (by leaving the question of slavery to the several states and territories) have peace? Why should we thus allow a party to agitate the country, to array the north against the south and convert us into enemies instead of friends, merely that a few ambitious men may ride into power on a sectional hobby:"

That he demanded at Alton. The familiar contention of eulogists that "the far-sighted Lincoln looked ahead (in the debates) to the contest for the presidency," and that he was "stalking for bigger game than the senatorship," dovetails into these accusations and warnings of Douglas.

On the other hand, in the Alton debate Lincoln declared:

"There never was a party in the history of the country, and there probably never will be, of sufficient strength to disturb the general peace of the country. . . . There will soon be an end of it (slavery) and that end will be its ultimate extinction. . . . This controversy will soon be settled, and it will be done peacefully, too. There will be no war, no violence."

Again, while Lincoln protested:

"Now I have upon all occasions declared as strongly as Judge Douglas against the disposition to interfere with the existing institution of slavery."

Yet he also inconsistently declared:

"My wish is . . . that it may be placed where the public mind shall rest in the belief that it is in the course of ultimate extinction."

In his reply, Douglas was certainly more ingenuous if not more honest than his antagonist:

"I care more for the principle of self-government, the right of the people to rule, than I do for all the negroes in christendom. I would not endanger the perpetuity of the Union, I would not blot out the great inalienable right of the white men for all the negroes that ever existed."

Did not the bloody sequel, in which the existence of the union was long in agonizing danger show that Douglas' statesmanship was the sounder, if not the more humane?

By natural impulse Douglas inclined to the courage of his opinions; Lincoln to the promptings of his emotions and sympathies. Douglas was so deeply impressed by the danger to white men's institutions—the union especially—and so intent on saving them, that he cared little, relatively, for the fate of the negro and audaciously declared his indifference as to whether he was "voted up or down," while Lincoln cared so much for the negro that he risked his own political fate and the fate of the union for his enfranchisement.

Douglas was possessed of extraordinary vigor and progressiveness. He had a passion for politics and a genius for overcoming obstacles to the advancement of his political projects. At the age of fifteen he became self-dependent, earning his living as a cabinet maker. At twenty he came west, from Vermont to Illinois, walking from Jacksonville to Winchester because he lacked money to pay for riding, and with all his worldly goods done up in a handkerchief and slung on a stick over his shoulder. He at once engaged himself as clerk at an auction which was going on when he reached Winchester, in this way earning the six dollars which maintained him while he organized a school which he taught for three months. The proceeds of this employment carried him through a year's study of law, when he began a remarkably successful practice, and at the age of twenty-two was elected by the legislature attorney general of the state. The next year—1835—he was elected a member of the legislature; in 1837 he was a candidate for a member of the lower house of congress, being defeated by only five votes out of a total of 36,000. In 1840 he became secretary of state for Illinois, and in the same year a judge of the supreme court, resigning this office to become a member of the national house of representatives in 1843. He was twice reelected to the same office, but resigned his seat to become United States senator, March 4, 1847. He remained a senator until his death, June 3, 1861.

Thus as Carlyle said of Robert Burns, Douglas "came upon

the world as a prodigy, and was in that character sustained by it in the usual fashion, with loud, vague tumultuous wonder." And further adapting Carlyle: "Let it not be objected that he did little," beside the mighty achievement which is credited to his rival, Lincoln. For still applying the appraisal of Burns, "He did much if we consider when and how he did it."

In the national legislature he repeated the immediate and precocious leadership of his local career, and he yielded it only at the summons of death. But the disruption of his party, caused and hastened by the stimulus which the repeal of the Missouri compromise gave to antislavery sentiment in the north, and the prelude to the disruption of the union, left him at the last only leader of a forlorn northern faction.

Lincoln was fond of insisting that slavery violated the declaration of independence, and Douglas retorted that the framers of that instrument could not have intended to apply it to negro slaves. In his speech at Springfield on the twelfth of June, 1857, he said:

"On the fourth of July, 1776, when the declaration of independence was promulgated to the world, African slavery existed in each of the thirteen colonies. Every signer of the declaration of independence was elected by and represented a slave-holding constituency. Every battle of the revolution from Lexington and Bunker Hill to King's Mountain and Yorktown, was fought in a slave-holding state."

The treaty of peace between the colonies and England, he said, was signed by thirteen slave-holding states, and the constitution was framed and adopted by twelve slave states and one free state. He insisted that Lincoln's doctrine would at once free all the slaves, while he yet protested that he had no intention or desire to interfere where it was actually established. Lincoln of course replied that he meant that slavery was inconsistent with the spirit of the declaration; but this was a characteristic evasion.

Puritan New England repudiated negro slavery because it wouldn't pay in its environment. Before the gin came to rev-

olutionize the cotton industry, the people of the south, with much profession of philanthropy, were about to set their slaves free. But under the new conditions they became cotton-mad, just as under the late enormous growth of facilities for general money-making, according to universal acclaim the people in general have become money-mad. The popular virtue remains tolerably healthy until prosperity tempts it. Leisure and luxury forerun lust. "In nature," says Emerson," nothing can be given, all things are sold. This is that ancient doctrine of Nemesis, who keeps watch in the universe and lets no offense go unchastized." If Nebraska had been by nature the home of iron manufacture, and Pennsylvania, a relatively agricultural region, had done by Nebraska as Nebraska, bullied and blinded by the cohesive power of partisan plunder, has for thirty years ostentatiously done by Pennsylvania, namely: gratuitously added to the natural advantage of her iron and steel trusts fifty to a hundred fold by a self-imposed tariff tax, then, by the rule of compensation, Nebraska would be the Sodom that Pennsylvania is, and Puritan Lincoln, the Gomorrah that Pittsburg is. So when the Midas touch of mechanical genius turned cotton into gold, southern emancipation philanthropy changed into selfish greed, and human slavery was thenceforth cherished where it was coming to be abhorred.

When the organism ceases to grow it begins to decline; and so the beneficiaries of the slave trust, led by John C. Calhoun, contended that expansion was essential to its healthy life. But there was a more imminent reason for the spreading principle. The acquisition of Louisiana, far wider at the north than the south, awakened southern solicitude as to the balance of political power. This question became acute when Missouri asked admission as a free state. Congress compromised a heated controversy by putting Missouri in the slavery section and solemnly declaring that all of the Purchase north of the southern boundary of Missouri should be forever free. This cheap gift to freedom was partly offset by the annexation of Texas. In 1848, when the admission of Oregon as a free state was disputed, Douglas seized the opportunity to propose the extension of the Missouri compromise line to the Pacific ocean; but though

by far the larger part of the recent Mexican conquest lay on the side thus to be secured to freedom, the now confident and aggressive antislavery partisans refused to even inferentially concede to possible slavery the part below the line. In the heat of the controversy precipitated by the repeal of the compromise, Douglas effectively taunted his radical assailants for losing the whole loaf by their unreasonable refusal to take the larger part when it was offered.

But for this Mexican accession the oil of compromise poured over the troubles of 1820 might have permanently quieted them; but when Utah and New Mexico asked for territorial organization in 1850, the same troubles arose again, and it took all the persuasiveness of Clay and the powerful eloquence of Webster, exerted in their last political struggle, reinforced by the matchless vigor of Douglas and the influential ability of Lewis Cass, to allay them by another compromise. Slavocracy, led by Calhoun and Jefferson Davis, now took the advanced position that the constitution perforce carried with its assumption of jurisdiction the right to extend slavery into the acquired Mexican territory. The question was temporarily set at rest by the application of the popular sovereignty theory, credited to Cass, by which the proposed territories were to decide whether slavery should be admitted or excluded. As minor adjuncts of this compromise, California was admitted to free statehood and, on the other hand, the fugitive slave law was strengthened.

In this last and perhaps fiercest of Clay's political battles, he was animated by a passionate fear of disruption of the union and of war which he insisted would be identical, but which strangely failed to impress Lincoln to whom Clay was an examplar and talisman. "A crevasse has occured," he exclaimed, "which has threatened inundation to all around. All is uproar, confusion and menace to the existence of the union." The popular sovereignty plan, he pleaded, was safer than the Wilmot proviso, by which congress could only bar slavery from the territories—for the authority of the latter ceases as soon as the state is formed, and then the popular will has absolute control. By law there is now no slavery in territory acquired from Mexico, and left to the popular will there probably never

will be. Within three or four months California had declared against slavery by the unanimous vote of her constitutional convention, which was not confined to non-slaveholders. The whole north blazed up in behalf of the Wilmot proviso,

"because the people did not know much about California and feared the introduction of slavery there. You want that there shall be no slavery introduced into the territory acquired from Mexico. Have not you got it in California already? Have not you got it in New Mexico, in all human probability, also? You have got what is worth a thousand Wilmot provisos. You have got nature herself on your side."

Webster also pressed the argument of the law of nature with characteristic eloquence and power. In his famous—by abolitionists called infamous—7th of March (1850) speech he said:

"I hold slavery to be excluded from those territories (California and New Mexico) by a law even superior to that which admits and sanctions it in Texas. I mean the law of nature, of physical geography, the law of the formation of the earth. I would not take pains uselessly to reaffirm an ordinance of nature, nor to reenact the law of God. I would put in no Wilmot proviso for the mere purpose of a law or a reproach."

Let me anticipate by the reminder that the alleged offense of Douglas in the Nebraska compromise lay in substituting this interdiction of nature for the positive, but as Clay pointed out, temporary interdiction of a law of congress, known as the first, or Missouri, compromise.

During the decade following 1834, the white invaders of territory east of the Mississippi were engaged in the ostensibly philanthropic enterprise of moving their burdensome Indians to the plains of the Purchase. The northeast, especially, had with selfish narrowness opposed the acquisition of Louisiana because it would come into competition with its own real estate interests. Under the pretense of affording the Indians wider and unmolested domains, they now pursued the double commercial purpose of grabbing the abandoned original Indian

lands and blocking competition in the west by dumping Indians there. Let us charitably assume that the destiny of this country was not manifest to President Andrew Jackson when, in his annual message of 1836, he announced with apparent good faith, but which the sequel has invested with tragic irony, that,

"the pledge of the United States has been given by congress that the country destined for the residence of this people shall be forever secured and guaranteed to them. A country west of Missouri and Arkansas has been assigned to them into which the white settlements are not to be pushed."

Douglas' immediate environment of the illimitable west inspired him with an irrepressible spirit of expansion which became the Nemesis of the complacent selfishness of the east and south which thus sought to dedicate a great empire to perpetual savagery. As chairman of the committee on territories, first in the house and then in the senate, he reported and pushed to passage bills for the organization of Minnesota, Oregon, New Mexico, Washington, Kansas, and Nebraska; and for admission as states of Iowa, Wisconsin, California, Minnesota, and Oregon. Thus he was not merely the father of Nebraska, but of the greater northwest. The fact that he chose this opportunity for great constructive work, rather than the commonly higher-rated chairmanships, such as those of the foreign and judiciary committees, is an index to his character and capacity. If in seeking to close the Nebraska country to white settlement, the south had in mind, besides the natural sectional advantage, securing a favorable balance of political power for the protection of slavery, then Douglas must have been aware of this design; and it follows that he deliberately, and with great courage, flouted the rulers of his party from the first, as he did openly, and to his own undoing, at the last.

The introduction of the first bill by Douglas in 1844 for the organization of "the Nebraska country," rather indefinitely understood to comprise the territory drained by the "great Platte" river and its tributaries, with approximately the same northern and southern boundaries as the present state of Nebraska, but extending from the Missouri river to the Rocky

mountains, was prompted by sectional considerations, but of a wholly commercial nature. As he himself put it, the bill was intended as notice to the secretary of war—John C. Calhoun—that he must stop his southern policy of using this country as a dumping ground for his southern Indians; and he kept repeating this notice by successive bills, with the desired effect, until the time was ripe for the consummation of his policy through the passage of the last one organizing the territory, in 1854.

There were two kindred reasons for heading off the southwestern policy of permanently colonizing the Nebraska country with Indians, which appealed very powerfully to the great commercial interests then beginning to center in Chicago: first, protection of travelers over the Oregon trail, at this time numbering about 60,000 annually; and, second, keeping open the way for the anticipated Pacific railroad by the Platte valley route. These motives were freely discussed in an extended debate of the organization bill in the House of Representatives in 1853, when champions of the northern route directly charged members from the southwest with the design of blocking the great national highway in question, and *also of permanently preventing* white settlement of the Nebraska country.[1]

It is important to bear in mind that there was no mention of slavery in any of the organization bills which were introduced from 1844 to 1854, or in the discussions of them, until it became evident to the pro-slavery members that Douglas was determined to push his great project to a successful issue, when their opposition to the organization of this vast territory under the original antislavery restriction led him to make an apparent concession rather than risk being forced to abandon indefinitely his great project which, he said, "is very dear to my heart."

Douglas was a bold fighter, and he insisted in the closing debate that the will of the people would be against slavery and that they would assert it.[2]

He was joined in this position by Thomas H. Benton, who yet opposed the repeal of the compromise on the ground that it would reopen agitation of the slavery question; also by Senator

1. "Congressional Globe," Vol. 26, p. 543 and 558.
2. "Congressional Globe," Vol. 28, pt. 1, p. 279.


Love me little love me long

Dodge and Representative Henn of Iowa. The argument adduced in the support of the original contention of Clay and Webster in the debate of 1850 differed somewhat from that of those masterful men. It was pointed out that the Nebraska country would be settled by antislavery men, because emigration proceeded mainly along east and west lines, but with a southwesterly inclination. This forecast proved to be true. There never was the slightest danger that slavery could be imposed upon any of the territory north of Kansas, and in spite of the efforts of slavery interests to colonize that territory with proslavery men from Missouri, a free constitution was adopted by so clear a preponderance that even the unwilling Buchanan was compelled to recognize it. Douglas had been unable to press through the senate the bill of 1853 which passed the house near the close of the session. Accordingly on the fourth of January, 1854, he reported the bill, which with the subsequent amendments, repealing the Missouri compromise and dividing the territory into two, became the organic act of Kansas and Nebraska. A clause declaratory of the principle of the compromise of 1850 was incorporated in the bill, and with it the committee on territories submitted a report in which Douglas explained the indirect setting aside of the Missouri compromise on the ground that there was grave doubt that it was constitutionally valid, and a prevailing sentiment in large sections of the union, "that the constitution authorized the owners of slaves to carry them into any of the territories." On the sixteenth of January, Dixon of Kentucky offered an amendment repealing the antislavery clause of the compromise and specifically authorizing the holding of slaves within any of the territories. On the twenty-third of January Douglas reported a substitute which differed from the fourth of January bill in a provision simply repealing the antislavery clause of the Missouri compromise and separating Kansas from Nebraska; and this bill became a law on the thirtieth of the following May.

Douglas defended the repeal of the compromise on the general ground that the principle of popular sovereignty had been substituted for it in 1850, and that this principle had been confirmed by both of the national conventions of 1852. His second,

and, to my mind, invincible defense, appears in his statement of the effect of the Dred Scot decision, in a speech at Springfield, Ill., June 12, 1857.

"That the act of the sixth of March, 1820, commonly called the Missouri compromise act, was unconstitutional and void before it was repealed by the Nebraska act, and consequently did not and could not have the legal effect of extinguishing a master's right to his slave in that territory. While the right continues in full force under the guaranty of the constitution, and cannot be divested or alienated by an act of Congress, it necessarily remains a barren and a worthless right, unless sustained, protected and enforced by appropriate police regulations and local legislation, prescribing adequate remedies for its violation. These regulations and remedies must necessarily depend entirely upon the will and wishes of the people of the territory, as they can only be prescribed by the local legislatures. . . . Thus it appears that the only sin involved in the passage of the Kansas-Nebraska act consists in the fact of having removed from the statute book an act of congress which was unauthorized by the constitution of the United States and void because passed without constitutional authority, and substituted in lieu of it that great fundamental principle of self government which recognizes the right of the people of each state and territory to form and regulate their domestic institutions and internal affairs to suit themselves, in accordance with the constitution."

(*To be continued.*)

MORMONISM AND INTOXICANTS

By Theodore Schroeder

I

MORMONISM seems destined to indefinite growth so long as the leaders can find it as profitable in political influence and commercial affluence as it now is, and the crop of dissatisfied mystics produced by orthodoxy continues to increase. As we grow farther from the beginnings of Mormonism the character of its founders and early members will assume growing importance in the minds of controversialists. If there were no other reason, this would be an adequate warrant for making this permanent record.

The Church of Jesus Christ of Latter-day Saints, occupies a unique position in its relation to many social problems, and deserves more attention than it has received from the student of sociology. One of this church's anomalies, is found in the history of its relation to the liquor traffic, which in its superficial discussion, seldom rises above the assertion and denial of superior temperance among the Mormon people. Sometimes, strangely enough, it has been asserted, that the saloon was unknown in Utah before the advent of the gentile. These varying opinions, usually have their origin in partisan zeal, accompanied by a partial view of the situation. It is quite possible, that some lesson can be learned from a study of the relation of Mormonism and its votaries to the liquor problem, while at the same time, we shall be refuting the oft repeated and unwarranted boast as to a supereminent sobriety of this sect.

Those who assert the existence of a more perfect temperance sentiment among Mormons than among non-Mormons, usually base their conclusions mainly upon the existence of an alleged revelation, designated "The Word of Wisdom," the origin of which, may furnish a bit of interesting history. It seems that

Emma Smith, lawful wife of Joseph Smith, the first prophet and founder of Mormonism, was a tidy housekeeper. While the Mormon converts had their gathering place in the Western Reserve, with headquarters at Kirtland, Ohio, frequently, parties of brethren and sisters would assemble at the prophet's home. Some of the men were excessive chewers of the "filthy weed" and the disgusting results of this habit, on one occasion, caused Mrs. Smith to make the ironical remark, "it would be a good thing if a revelation could be had declaring the use of tobacco a sin and commanding its suppression." The matter was taken up and joked about, one of the brethren suggesting that the revelation should also provide for a total abstinence from the drinking of tea and coffee, intending this as a retaliatory measure.

A short time after, Joseph, "the mouth-piece of God," announced the receipt of a revelation practically prohibiting the use of all, the wine, the coffee, the tobacco and the tea.[1] The patent connection between "Sister Emma's" wrath and "the will of God," was the first circumstance to open the eyes of David Whitmer, one of the three witnesses to the divinity of the Book of Mormon, who not long afterward, without denying his former testimony as to the divine origin of Mormonism, proclaimed Smith a fallen prophet, and apostatized from the main body of the church.

The "revelation" in question is dated "Kirtland, Geauga County, Ohio, February 27th, 1833," and like the products of all low cunning, prepared with a view to eliciting from the ignorant seeds of self-glorification, it contains many churlish platitudes clothed in gaudy and vulgar bombast. It is more than probable, that David Whitmer's doubts as to the divine origin of this revelation, induced the writing of headlines, in which it was said, that it was "not by way of commandment or restraint, but by revelation and the word of wisdom, showing forth the order and will of God in the temporal salvation of all saints." That head note, of which the foregoing is a portion, has in later publications, been made a part of the revelation itself.[2] In so far as the twenty-one verses of this revelation relate to the liquor problem, we quote it:

"As any man drinketh wine or strong drink among you, behold it is not good, neither meet in the sight of your Father, only in assembling yourselves together to offer up your sacrament before Him. Strong drinks are not for the belly, but for the washing of your bodies. Tobacco is not for the body, neither for the belly, and is not good for man, but is an herb for bruises, and all sick cattle to be used with judgment and skill. And again hot drinks are not for the body or belly."

Through a long story, it is told that flesh is to be used sparingly and only in times of cold or famine. After pronouncing in general terms, that grain is good for foods, God is made to continue thus:

"Nevertheless, wheat for man and corn for the ox, and oats for the horses, and rye for the fowls and for swine, and for all beasts of the field, and barley for all useful animals, and for all mild drinks. * * * The saints who keep and do these sayings, * * * shall receive health in their navel and marrow in their bones, * * * and shall find hidden treasurers, run and not be weary and shall walk and not faint." These, and the Lord's further promise, "that the destroying angel shall pass them by as the children of Israel and not slay them," are all the rewards offered for abstinence.

While this revelation does not exhibit God's commandants as being very expicit, yet the uniform interpretation by Mormon leaders has been, that it prohibited all use of either tea, coffee, or intoxicants as a beverage. When it was desired to expel an objectionable member, and perhaps without giving the real reason for doing so, the use of tea, coffee or tobacco, has sometimes been sufficient as the sole charge, under which expulsion could be accomplished.[3] At the present writing, those who violate the "Word of Wisdom," as this revelation is called, are so numerous, that to expel them all, would almost dissolve the church.

As an index to the unthinking simple-mindedness of the votaries of this sect, we may quote and discuss a few lines from a pamphlet interpretating this "Word of Wisdom." The author says:

"'The Word of Wisdom' was written by God's command. * * * I am informed that when this revelation was given, that it said 'tea and coffee,' but when the prophet wrote it, the Lord suffered him (on account of the great weakness of the people whom he knew would disobey that law) to write 'hot drinks.'"[4]

Let us analyze that, for a moment, and see what is implied in the statement. Here is God, who knows everything, yet does not know his own mind, and, after dictating "tea and coffee," he allows the prophet to persuade Him to write it "hot drinks." The reason God thus changed his mind, is because of the weakness of the people, who would disobey. Now, either God didn't know the peoples' weaknesses in this particular before commencing to dictate the revelation, and needed to be informed of the fact, or knowing the fact, it had not occurred to God that the weakness was a sufficient reason for not writing "tea and coffee" into the revelation, until the prophet of Palmyra, by unanswerable logic, persuaded Him. Again; the reason given for leaving out the words "tea and coffee," indicates, that in the mind of these latter-day oracles, the morality of tea-drinking is not dependent upon its good or evil consequence to society, but upon the very writing of a revelation. By parity of reason, it would seem, that if it had not been written "thou shalt not kill," murder would be a virtue.

It is mainly upon the existence of the "revelation" quoted from, that travelers and superficial observers have frequently asserted the existence among the Mormon people, of a great abhorrence to the liquor traffic, and that Mormon communities were without saloons, until brought in by gentiles. So often have such mis-statements been repeated, that they have, in some quarters, almost come to be accepted as established facts. As germane to this boast of superiority, and as a sociological study, we may profitably examine Mormon practices and legislation in their relation to the use of intoxicants and as revealing the effect upon temperance sentiment, produced by a professed belief in a prohibitory revelation, coming direct from God.

In Palmyra, New York, and before the origin of Mormonism,

the father of Joseph Smith, conducted a "cake and beer shop," as described by his signboard.[5] Both the proprietor of the "beer shop" and his prophet son, were by many of their neighbors considered "entirely destitute of moral character, addicted to vicious habits," and as being "intemperate."[6] This evidence of these neighbors, was met only by the unsupported denial of the culprit's after-acquired friends. Some Mormon apologists insist that "the charge of intemperance, can be simmered down to the fact, that on one or two occasions, in the harvest field, Joseph drank rather more of cider than did him good."[7] Such trifling offense would hardly have induced so remarkable a humility and self-denunciation as the prophet indulged in, evidently for the purpose of taking off the curse, for much greater transgressions.[8] The prophet, in his autobiography, admits that immediately before his engagement in the prophetic role, he "was left to all kinds of temptation," and "frequently fell into many foolish errors, and displayed the weakness of youth, and the corruption of human nature," and that he was led into "divers temptations to the gratification of many appetites, offensive in the sight of God."[9] At another time, Smith, in writing of this period, speaks of his many vices and follies.[10] Martin Harris, one of the witnesses to the divinity of the Book of Mormon, was tried before a church council, for having said that the prophet Joseph was drunk while translating the golden plates.[11] He escaped expulsion, by antedating the drunkenness. One, Levi Lewis, testified that he saw Smith drunk three times while, by divine help, the latter was translating the golden plates for the Book of Mormon.[1]

Soon after the dedication of the Kirtland Temple, and in 1836, there came a time of great expectation for the fulfillment of remarkable promises. New endowments were about to be conferred. There were days of preaching, exhorting, fasting, and praying. The endowments were conferred and a time of great spiritual exaltation was enjoyed, as the accounts now read. The fact is, a great drunken carousal was had.

Lieutenant Gunnison tells us,[13] concerning this dedication and endowment, that "for some days, wine flowed freely, wine that had been consecrated and declared by the prophet to be harm-

less, and not intoxicating." Dr. McLellin, one of the first quorum of Mormon apostles, thus describes the same event:

"About five hundred ministers entered that great temple about sunrise, and remained fasting until the next morning sunrise, except a little bread and wine in the evening. The twelve were required to take large servers and set glasses of wine and lumps of bread, and go through the house and serve their brethren. I did my part of the serving. During the night, a purse was made up, and a wagon sent to Painesville and a barrel of wine procured, and then it was a *time*." * *
* "All the latter part of the night, I took care of Samuel H. Smith [brother of the prophet] perfectly unable to help himself. And I had others removed from the house, because they were unfit to be in decent company."[14]

Another informant who was there, a saint then residing in Kirtland, is authority for the statement, that on the same occasion, among those whose excessive indulgence in consecrated sacramental wine, resulting in intoxication, were the prophet Joseph Smith, president Sidney Rigdon, and apostle William Smith, the prophet's brother, the latter being too drunk to walk, was literally carried home. Intoxication was not exceptional with "apostle Bill," as he was familiarly known by some associates, but was almost habitual.[15]

When bacchanalian debauchees, considered the elect of God, resort to consecrated alcohol for inspiration, conducting their sacred orgies in a place, miscalled "the temple of the Lord," we must expect that fantastic scenes will be impinged upon the spiritual eyes of those who are mystic degenerates, when their abnormal minds, with the added feverishness of a drunkard's delirium, are working under the pious suggestions of carousing frauds. Fortunately, some description of what was claimed then to have been seen and heard in the Kirtland Temple, has been preserved to us in the autobiography of Joseph Smith, published by his church. The gift of tongues spoken of, is a gift to talk by unknown languages.

Sylvester, one of the prophet's brothers, is reported to have jumped up in the meeting, exclaiming, "the horsemen of Israel

and the chariots thereof!" presumably imagining he saw them. The prophet reports:

"The gift of tongues fell upon us in mighty power, [no wonder] angels mingled their voices with ours, while their presence was in our midst, and unceasing praises swelling our bosoms, for the space of half an hour."[16]

At another time, "President F. G. Williams arose and testified, that "while President Rigdon was making his first prayer, an angel entered the window [no breaking of glass is reported] and took his seat between Father Smith and himself, and remained there during the prayer."

President David Whitmer also saw angels in the house. That is what Smith says, Whitmer saw, but long years afterwards, Whitmer denied the whole matter of supernatural visitations, which denial is hereafter quoted:

"President Young gave a short address in tongues and David W. Patten interpreted and gave a short exhortation in tongues himself." Again, "many began to speak in [unknown] tongues and prophesy, others saw glorious visions, and I beheld the temple was filled with angels, which fact, I declared to the congregation." * * * Further, "during our stay we must cleanse our feet and partake of the sacrament, that we might be made holy before him and thereby be qualified to officiate in our calling upon the morrow, in washing the feet of the elders. The Holy Spirit rested down upon us and we continued in the Lord's House all night, prophesying and giving glory to God." In a sermon, there delivered, Joseph said that "this was a year of jubilee to us, and a time of rejoicing and that it was expedient for us to prepare bread and wine sufficient to make our hearts glad, as we should not probably leave this house until morning; to this end, we should call on the brethren to make a contribution. The stewards passed around and took up a liberal contribution, and a messenger was dispatched for bread and wine. The brethren continued exhorting, prophesying and speaking in tongues, until five o'clock in the morning. The Savior made his appearance to some, while angels ministered to others, and it was a Pentecost and an endowment, indeed, long to be remembered, for the sounds shall go forth from the place unto all the world, and the occurrences of this day, shall be handed down upon the pages of sacred history, to all generations."[17]

There is another version of these prophesies, blessings and talking in tongues, by one who was present, but has since become spiritually blind, and he tells us how this great event, upon which depends the divine authority of the higher degrees of the mormon priesthood, appears to worldly eyes. Says Professor Turner:

"A marvelous spirit of prophesy soon ensued, as might have been expected, which vented itself mainly in blessing their friends and cursing their enemies, in which latter class, the clergy of the day, and the Missouri mob, received their full share." * * * "An eye witness informed the author, that he never imagined that language more awful could be used in the world of despair. Nor did the consecrated wine exhale all its inspiration on that memorable night. For several days, and even weeks, they went from house to house, feasting and prophesying, blessing and cursing, as the occasion might require, until the 'triumphs of faith' were fully achieved and the 'spirit of the Lord' was poured out upon the flesh."[18]

Benjamin Winchister, another eye-witness to this temple dedication said:

"That ceremony ended in a drunken frolic, one of the worst I ever saw. Joseph Smith became beastly intoxicated, and his father and his brother Hyrum begged that the wine should be taken away, so that the carousal might be stopped as soon as possible. I did not know Joseph to be what is termed a 'common sot,' but that was not the last time I saw him intoxicated."[19]

David Whitmer, one of the three witnesses to the divinity of the Book of Mormon, and the most honest among the organizers of the Mormon church, while seeming to retain to the end his confidence in the divine origin of the system, and the slave-virtue of humility, taught by it, yet makes this statement about the Kirtland endowment:

"The great heavenly visitation which was alleged to have taken place in the temple at Kirtland, was a great fizzle. The elders were assembled on the appointed day, which it was promised would be a veritable day of Pentecost, but there was no

visitation. No Peter, James and John, no Moses and Elias put in appearance. I was in my seat, on that occasion and I know that the story sensationally circulated, and which is now on the record of the Utah Mormons, as an actual happening, was nothing but a trumped-up yarn. I saw a great many of these things which I knew were not right, but I clung on in patience, trusting everything eventually would be put right."[20]

By thus preserving the conflicting records of the doings of these temulent men, with thristy souls, I am fulfilling Mormon prophesy and furnishing the data for studies in the psychology of human gullibility.

In those days and long after, Mormons used wine in the sacrament, though now water is used, and thereby hangs a tale. Very early in Mormonism, when Newel Knight and his wife became converts, it was deemed desirable that they be confirmed in their new faith and partake of the sacrament. Joseph Smith, "the Mouthpiece of God," went out to procure the wine. His established fondness for it, his failure to bring back any, and the explanation offered for failure, all compel me to read between the lines that he drank the wine. In his autobiography, Smith said that he had not gone far from the house, when he "was met by a heavenly messenger" and received a revelation which in part says:

"It mattereth not what ye shall eat, or what ye shall drink when ye partake of the sacrament, if it be so that ye do it with an eye single to my glory. Wherefore, a command I give unto you, that you shall not purchase wine, neither strong drink of your enemies: wherefore you shall not partake of wine, save it be made among you"[21]

Wine, however, continued to be used in the sacrament long after the saints came to Utah. Their congregation were rapidly growing and then, as now, it was their custom to partake of the sacrament every Sabbath day. With the enlarged congregation of the immense tabernacle, this might mean several barrels of wine a week. A revelation, which was originally only intended to secure momentary indulgence to Smith's palate, now became useful to Brigham Young's purse. Water was accord-

ingly substituted for wine, and can be now seen every Sunday, answering the purpose of wine in the Eucharist.

While the Mormons were located in Nauvoo, Illinois, Joseph Smith, the prophet, seer and revelator, who was also mayor, major general of the Nauvoo Legion, and everything else, secured for himself a saloon-keeper's license,[22] and opened a saloon in the Mansion House, a "house of boarding" built by revelation, and in which he lived. Since a general ordinance prohibited hotels from selling intoxicants,[23] the above license gave the prophet's hotel a whiskey monopoly. Not being satisfied with this, Smith, later, secured from the municipal authorities, the passage of an ordinance, authorizing him to sell whiskey but prohibiting all others, except by his license.[24]

The genius who presided over Smith's bar, was none other than that multi-murderer and Danite chief, Porter Rockwell, who, after his career of almost unparalled crime, died in a Salt Lake City livery stable, while on a drunken debauch. Rockwell started his career, as an aid in Smith's peepstone money digging expeditions in New York before 1830. While an "Elder in Israel" and the prophet's body guard, he used to say that he would lose the spirit and testimony of Mormonism, if not "steamed up."[25]

Later, one Theodore Turley, asked and received from the prophet a permit to establish a brewery in Nauvoo,[26] and it was established just south of the prophet's own saloon and home. Turley it seems, was also a good Latter-day saint,[27] who had recently returned from a mission to England.[28]

Here, in Nauvoo, many holy orgies were indulged, some of them in the Temple, after its completion.[29] The Mansion House bar, run by the prophet, was open on festive occasions, such as balls, and it has been told in mitigation of the prophet's wrong doings, that on such occasions, he sometimes prohibited apostolic revelers from taking any more intoxicants, when he observed that they were being affected by over-indulgence. This, however, did not prevent him from too often draining the flowing bowl. As illustrating the want of sanctimoniousness in him, it is told by high churchmen in Salt Lake City, that, when a good brother came to him to be cured of insomnia, by the laying on

of hands, the prophet advised his afflicted follower to get drunk and go to sleep.

Mrs. Pratt, an apostle's wife, says Joseph Smith was a periodical, but not an habitual drunkard. She often saw him intoxicated, and on one occasion, a good brother brought him to her house, to be sobered up with black coffee, because he could not walk home alone. Military parade days, were Joseph's favorite occasions for the enjoyments of intoxication.

At times, Joseph used to preach about his drunkenness, saying: "Brethren and sisters, I got drunk last week and fell in the ditch. I suppose you have heard of it, I am awfully sorry, but I felt very good."[30] At another time, he said it was necessary for him to become intoxicated, lest, since he was the prophet of the Lord, people should worship him as a God. Even this did not exhaust the ingenuity of this jovial prophet of fraud, for at another time, he said that several elders had often gotten drunk and had never made confession; but he had become intoxicated, that they might see how it looked and now he confessed his sins, in order to set the elders a good example.[31]

All of this, it will be remembered, occurred years after the prohibitory revelation, and in a city whose population was all but exclusively Mormon, and whose city charter gave them practically all the powers of a State government. Soon after this, the prophet was killed by an enraged mob, and the enforced migration to the west, began, resulting in the settlement of the Salt Lake Valley.

The Mormons arrived in Salt Lake Valley, July 20, 1847, before the treaty of Guadalupe Hidalgo, by which they were again brought within the jurisdiction of the United States. On March 15, 1849, a gathering, assuming to be a constitutional convention, met in Salt Lake City, and in three days, had adopted a Constitution for the "Provisional Government of the State of Deseret."

The first liquor legislation of these peculiar people, was the act of the general assembly, passed March 28, 1850, by which was provided a maximum criminal fine of $500, and forfeiture of stock in trade, for the sale, trade or "gift of spirituous liquor to any Indian, without having a license."[32] How, and

from whom this license was to be procured, is not indicated, and absolute silence is maintained as to all liquor traffic except with the Indians. In July, "the ordinance concerning revenue" was passed, providing for a fifty per cent. ad valorum tax on intoxicants.[33] This act seems to have been in force but a very short time, since it cannot be found in the published laws of the fifties.

In February, 1851, the general assembly of the state of Deseret again convened, the Mormon people not yet having determined to submit to the jurisdiction of Congress, which had passed the Organic Act, taking effect September 9, 1850. When later, submission was decreed, all legislative acts of the state of Deseret were adopted by the legislature of the territory of Utah. In addition to the acts, above described, was another of February 12, 1851. This act prohibited the establishment of any distillery within the state, except with license first procured. A violation of this prohibition, subjected the person to a confiscation of all "property thus invested," and "a fine, at the discretion of the court," without putting any limitation on the discretion. Another section of the act gave the governor, (Brigham Young) unlimited authority to license and impose restriction on the licensee.[34] Such grant of legislative power, Brigham knew well how to use to his own advantage. This law prohibited only the manufacture of "spirituous liquors" without a license, and put no restriction whatever upon the sale of imported intoxicants.

(1) *Chicago Inter Ocean,* Nov. 17, 1886. See also 33 *Saints Herald,* 794.
(2) "Doctrines & Covenants," Sec. 89.
(3) See pamphlet "Word of Wisdom," p. 2.
(4) "The Word of Wisdom," by Brand, p. 3.
(5) "Origin and Progress of Mormonism," p. 12.
(6) Howe's "Mormonism Unveiled," p. 261-2.
(7) "The Myth of the Manuscript Found," p. 50.
(8) "The Myth of the Manuscript Found," p. 55.
(9) Supplement to 14 *Millennial Star,* p. 4.
(10) *Gospel Reflector,* p. 176.
(11) 15 *Millennial Star,* p. 12.
(12) "Gleanings by the Way," p. 343.
(13) "History of Mormons," p. 107, also "Mormons Own Book," XLI.
(14) "Mormon Portraits," Wyl., p. 308.
(15) "Mormon Portraits," p. 309-310.
(16) 15 *Millennial Star,* p. 621.
(17) 15 *Millennial Star,* pp. 726-7-8.
(18) "Mormonism in All Ages," p. 41, and Corrill's "History of the Church

of Jesus Christ, Latter Day Saints," p. 23.
(19) *Salt Lake Tribune,* Sept. 22, 1889.
(20) *Chicago Inter Ocean,* Nov. 17, 1886, as corrected in 33 *Saints Herald,* p. 794.
(21) Supplement to 14 *Millennial Star,* p. 37; "Doctrines & Covenants," Sec. 27. Early Christians also used water for wine in the sacrament; see Ross' "View of all Religions," pp. 196-209.
(22) 22 *Millennial Star,* p. 439.
(23) 3 *Times & Seasons,* p. 766.
(24) 22 *Millennial Star,* p. 647.
(25) "Mormon Portraits," p. 22.
(26) 20 *Millennial Star,* p. 647.
(27) 1 *Times & Seasons,* p. 73.
(28) 2 *Times & Seasons,* pp. 228-233.
(29) "Endowment House," and "Mormon Portraits."
(30) "Mormon Portraits," p. 22.
(31) "The Mormon's Own Book," p. 33. Caswell's "City of the Mormon's," pp. 50-51.
(32) "Laws of Utah," 1855, Chap. 5, Sec. 1, p. 63.
(33) *Deseret News,* July 6, 1850, p. 31.
(34) "Laws of Utah," 1855, Chap. 20, p. 108.

(To be continued.)

A PICTORIAL LIFE OF LINCOLN

ADDITIONAL interest attaches to the Lincoln portraits, published in this number of the American Historical Magazine, by reason of the article on "Douglas, Lincoln, and the Nebraska Bill," which reviews the famous controversy between Lincoln and Douglas, and its results.

The two portraits of Lincoln presented in this connection represent the President in the prime of his life. One of them, the seated figure, is of exceeding value, being a reproduction from a plate from which there were only a few signed copies printed at the time it was made. The cartoon which accompanies the two portraits, as coarse as it may now appear, was regarded at that time as a very striking and effective exposition of the opinions held by a considerable element in the country regarding Lincoln and his attitude towards slavery. In this respect it throws some light upon the subject of the slavery debates which are treated in the article just referred to.



LOYALIST BALLADS OF AMERICAN REVOLUTION

BY DON E. MOWRY

FROM an historical, as well as a literary point of view, the loyalist ballads of the American Revolution are of unusual interest. This is largely because they are very rare, when contrasted with the abundance of revolutionary songs and ballads. And, by careful study, an opportunity is offered for an almost exact picture of the revolutionary sentiment. However, this decided lack of loyal ballads is due partly to the fact that the supporters of the king were decidedly in the minority, but more especially to the fact that the tories were generally apprehended by the patriots, and their property confiscated.[1] This aggressive action on the part of the American colonists, made secrecy, in the matter of all written sentiments and expressions, an absolute necessity for the loyalists.[2] The black lists[3] of tories lent much terror to the literary cause of the supporters of the crown. In New Jersey, a veritable hot-bed of toryism, we have a very common method employed with the supporters of the king illustrated in the following verse, taken from a ballad entitled, "A Tory:"

> "So they gave it out that the Tory, he
> With feathers and tar should coated be,
> Unless in the church confession he made
> Of his Toryism and promptly obeyed."[4]

So fearful were some publishers that they often gave excuses when publishing loyal literature.[5]

1. Example, Davis: "Confiscation of John Chandler's Estate."
2. Myers, "Tories and Loyalists," 1865.
3. Johnson, "Black List of Tories." (Private Edition, 1865, in Wisconsin Historical Collection).
4. Platt, "Ballads of New Jersey," p. 31. Also "McFingal," by Trumbull, Canto, III, pp. 66-68, in his edition of 1782.
5. Moore, "Songs and Ballads of the Revolution," p. 374.

Both the loyal and the revolutionary ballads are rarely more than mediocre, often inferior and even doggerel, poetry. We cannot help noticing that the times were "stirred up with much excitement" when this form of verse appeared in America. Literary style was not the aim. Perfection, from the standpoint of the critic of letters was far from the minds of the writers, but, perfection that was sharp and cutting, even if words and expressions were used that were not in good form, was the end sought.

It is interesting for those of us who are able to read a considerable number of the loyal writers to notice that they were much inclined to reflect in their ballads; to show, in a word, that the colonists were fool-hardy in attempting to gain their independence; to sneer at the so-called French alliance; to frighten the Americans by emphasizing the strength of "Old England," and to jeer the prominent men in the cause for freedom.[1] These loyal ballads were sung to English and American airs. In those that have come into my possession, I have noticed a strong tendency to copy, by way of parody, the familiar air, "Yankee Doodle."[2]

It was only when the British troops were camped in a locality for some time that the tories had an opportunity to fearlessly sing loyal ballads. The winter quarters of the British around Philadelphia, in 1778, made possible a liberal addition to our loyalist ballad collection.[3] During this particular period, songs that were not aggressive were considered "scurrilous verses," and "were calculated to do more harm to the king and country than the defeat of one-half of the army. Such moderate writers ought to have a cord for their meditation." Inasmuch as the loyalists looked with contempt upon the revolution, on account of their own wealth, had a firm conviction that they were right, expected to be on the winning side and regarded the revolutionary cause as worthy of nothing but contempt, we must expect the trend of thought to be along these lines.

1. Such as Washington, Lea, Putnam, William Livingston, Morris, Adams and Paine.

2. For versions see Farmer-Morris, "Historical Collection of New Hampshire," Vol. III, p. 157.

3. See the Pennsylvania Ledger for 1778. This contains the best examples.

Few ballads of the earlier Indian wars were remembered and used during this epoch. Perhaps the most typical one, "Hot Stuff,"[1] by a Grenadier,[2] was sung more than any other. The racy ballad has some patriotic worth, but does not warrant mention. "A Parody,"[3] however, appeared in 1768 which is one of the best we have on the well known "Liberty Song,"[4] so popular with the patriots. The first verse of each ballad will suffice to show the merit of the parody. The first verse of "The Liberty Song" reads:

"Come join hand in hand brave Americans all,
And rouse your bold hearts at fair Liberty's call;
No tyrannous acts shall suppress your just claim,
Or stain with dishonor America's name.
In freedom we're born, and in freedom we'll live;
Our purses are ready,
Steady, Friends, steady,
Not as slaves, but as freemen our money we'll give."[5]

The parody is expressed thus:

"Come shake your dull noodles, ye pumpkins, and bawl,
And own that you're mad at fair Liberty's call;
No scandelous conduct can add to your shame,
In folly you're born, and in folly you'l live;
To madness still ready,
And stupidly steady,
Not as men, but as monkeys, the token you give."[6]

With the opening of the Revolution, then, the loyalist ballad began to appear in real earnest. Among the first that may be mentioned is "Castle Island," which appeared just after the Boston Massacre.[7] It was enjoyed by the friends of arbitrary power, and especially by the soldiers stationed at Castle

1. Dawson's *Historical Magazine*, Vol. II, p. 164.
2. Edward Bolwood of the 47th Grenadiers.
3. *Boston Gazette*, Sept. 26, 1768.
4. Moore, "Songs and Ballads of the Revolution," p. 37.
5. *Boston Gazette*, July 18, 1768. Mr. Otis was a frequent contributor to this paper.
6. Moore, "Songs and Ballads of the Revolution," p. 41.
7. March 5, 1775.

Island.[1] The song is short (only four verses), but it is suggestive of the loyal spirit.

"You simple Bostonians, I'd have you beware,
Of your Liberty Tree, I would have you take care,
For if that we chance to turn to the town,
Your houses and stores will come tumbling down."[2]

When William Franklin, governor of New Jersey, addressed the legislature, warning its members not to sanction certain proceedings connected with the dispute existing between England and her colonies, lieutenant-governor Colden of New York followed his example. This double refusal was looked upon as a loyal victory, and a ballad appeared in the *New York Gazette,* that has been attributed to the editor, Mr. Rivington.[3] The first verse (here quoted) is aimed at Isaac Sears, a New York Merchant, a zealous "son of liberty."

"And so, my good master, I find 'tis no joke,
For York has stepped forward, and thrown off the yoke
Of Congress, Committees, and even King Sears
Who shows you good nature, by showing his ears.[4]

One of the few unknown ludicrous ballads was aimed at Washington. When he went to Cambridge to take charge of the continental forces, he delivered a proclamation. The quotation cited here from "The Trip to Cambridge," endeavors to bring out the funny side of his proclamation.

"Upon a stump, he placed (himself),
Great Washington did he,
And through the nose of Lange Close[5]
Proclaimed great Liberty.[6]

1. Castle Island, where the British Castle William was situated. In 1798 it was ceded to the United States and was named Fort Independence by President Adams.
2. Moore, "Songs and Ballads," p. 51.
3. For Rivington's verses see Griswold's "Curiosities of American Literature," pp. 23-25.
4. Moore, "Songs and Ballads," p. 77.
5. Major Lea.
6. Moore, "Songs and Ballads," p. 99.

"The Whig," smacks of the hot, aggressive tory spirit, although it is attributed to English writers:

"Would you know what a Whig is, and always was?
I'll show you his face, as it were in a glass.
He's a rebel by nature, a villain in graw,
A saint by profession, who never had grace.
Cheating and lying are puny things;
Rapine and plundering vernal sins;
His great occupation is ruining nations,
Subverting of crowns and murdering kings."[1]

An exceedingly popular ballad which appeared the next year, 1776, was "Burrowing Yankees." A typical verse reads:

"And the time will come when your whole rebel race
Will be drove from the lands, nor dare show your face;
Here's a health to Great George, may be fully determine,
To root from the earth all such insolent vermin."[2]

An illustration of a very poor ballad is here quoted from "Liberty's Choice, or The Rival Suiters," which appeared after Howe's threatening vengeance on the Americans in his proclamation.

"Fair Liberty came o'er
Through her Britannia's aid,
And on this savage shore
With sweet complacence stray'd:
Britannia's standard was her own;
For Liberty by her was known."[3]

"The Congress" song, which first appeared in *Towne's Evening Post,* is, in some points of humor, amusing. This will illustrate:

"Those hardy knaves and stupid fools;
Some apish and pragmatic mules;
Some servile acquiescing tools;
These, these compose the Congress."[4]

1. *Rivington's Royal Gazette* for Jan. 26, 1775.
2. Moore, "Songs and Ballads," p. 129.
3. Sargent, "Loyal Poetry," p. 63.
4. Moore, "Songs and Ballads," p. 145.

The two great writers of loyalist ballads are Joseph Stansbury[1] and Jonathan Odell.[2] The latter has been called the "Philip Freneau of the Tories."[3] His satires are polished and powerful, and above all, sincere in their opposition to the war. Joseph Stansbury, while of lesser importance as a literary man, contributed many loyal ballads. His welcome to Howe, on his arrival,[4] is well expressed. He says:

> "He comes, he comes, the hero comes:
> Sound, friends your trumpets, beat your drums;
> From port to port let cannon roar
> Howe's welcome to this western shore."[5]

With American success in the year 1777, we are not surprised to notice a marked decrease in loyal efforts. In fact, it is exceedingly hard to find any of real merit. "The Carpet Knight," by Joseph Stansbury, is little more than ordinary, in point of style, and lacks much spirit which the first verse illustrates conclusively.

> "Late a council of gods from their heavenly abodes
> Were called on Olympus to meet;
> Jove gave his commands from his throne in the sky:
> Attend and his words I'll repeat:
> Ye know, all ye pow'rs that attend my high throne,
> Your will to my pleasure must bow;
> I will that those gifts which you prize as your own
> Shall now be bestowed on my Howe."[6]

"The Fourth of July,"[7] which has been attributed to a certain R. Chub, as well as to Jonathan Odell, was written to commemorate a daring attack that was made against the widows of the Quakers, but was unsuccessful on account of the brave defence of the tories and British soldiers.[8] A random verse reads:

1. Sabine, "Loyalists of the American Revolution," Vol. II, p. 325.
2. Ibid., p. 122.
3. Bronson, "History of American Literature," p. 63.
4. June, 1777.
5. Sargent, "Loyal Verses of Stansbury and Odell," p. 10.
6. Stone, "Burgoyne Ballads," p. 94.
7. Sargent, "Loyal Verses," p. 14.
8. Ibid., pp. 14-15.

"The Quakers and the Tories
Sustained the honors of the night.
And still their poor, unshatter'd stones
Hang zig-zag trophies of their might."[1]

With the advent of the French alliance and the successes of the British, in 1778, many loyal ballads were called forth at Philadelphia, and the Quaker city became the center of toryism during the winter of 1778. The protection which was now possible, brought forth some interesting ballads. The constant success of the British army and the depressed condition of the American army, gave the tories an opportunity to be haughty and aggressive. A bold song, outranking many others in point of sentiment, is one written by an officer[2] of the British army entitled, "The Rebel." The closing verse reads:

"May Congress, Conventions, those damn'd inquisitions,
Be fed with hot sulphur, from Lucifer's kitchen,
May commerce and peace again be restored,
And Americans own their true sovereign lord."[3]

A conservative opinion of the British strength, written by an American, appeared in the *New York Gazette*[4] under the title of "British Light Infantry." One of the typical verses reads:

"To battle prepared in their country's just cause
Their king to avenge and support his laws;
As fierce as a tiger as swift as a roe
The British Light Infantry rush on the foe.[5]

The minstrel press of the times was active and took every possible chance to ridicule the leaders of the popular cause, their movements for freedom's cause, and their ill-successes. The verses were published in a ballad sheet and posted in Philadelphia and New York. In October, 1778, "An Epilogue,"[6] appeared in this manner. We have, during this

1. *Pennsylvania Ledger*, Dec. 10, 1777.
2. Capt. Smith of Sincoe's Queen's Rangers. He wrote other verses of some worth.
3. Moore, "Songs and Ballads," p. 197.
4. *Rivington's Royal Gazette*, Dec. 12, 1778.
5. Moore, "Songs and Ballads," p. 112.
6. Moore, "Songs and Ballads," p. 220.

period of British victories, ballads called forth to emphasize a victory, to deride the Americans, and to show the little aid that was being rendered by the French. It is during this short time of English ascendency that loyal ballads are most frequent. One noticeable verse which is taken from a ballad entitled "The British Light Infantry," written to bring again to view the night surprises of Wayne and Baylor, is as follows:

"Hark, hark, the bugle's lofty sound
Which makes the woods and rocks around
Repeat the martial strain,
Proclaim the light armed British troops
Advance—Belond, Rebellion droops;
She hears the sound with pain.[1]

The unsuccessful attempt of the French to dislodge the English from Newport, (July, 1778), called forth a pleasing bit of ballad literature generally known as "Yankee Doodle's Expedition to Rhode Island."

II.

Begar, said Monsieur, ne grand coup
You shall bientot behold, sir,
This was believed as Gospel true,
And Jonathan felt bold, sir.

IX.

As Jonathan so much desired,
To shine in martial story,
D'Estaing with politeesse retir's
To leave him all the glory.

XI.

He left him what was better yet,
At least it was more, sir,
He left him for a quick retreat,
A very good excuse, sir.[2]

1. Sargent, "Loyal Verses," pp. 80-81.
2. *Rivington's Royal Gazette* for Oct. 3, 1778.

"The Siege of Savannah,"[1] appeared after the English victory in the south. "The Battle of the Kegs," written by an American, the well-known Francis Hopkinson,[2] was occasioned by the successful warding off, on the part of the British, of certain machines in the form of kegs, that were sent down the river to annoy the shipping.[3] It is written to be sung to the famous American tune. A verse reads:

"The kegs, 'tis said, though strongly made
Of rebel staves and hoops, sir,
Could not oppose the powerful foes,
The conquering British troops, sir."

"A Congratulation" cajoles Congress because the taxes are unpaid, "though payable in rags."[4] "A Song of the Times"[5] maintains that, in spite of the French assistance, the rebellion is drawing near a close. Loyal associations were formed during the Revolution and were generally the scene of joviality. The Church and the King was one of these associations, and on one occasion Joseph Stansbury delivered a cheap, light and flippant ballad before the club, the title of which was the same as the name of the association.[6] One can imagine how well it took with the audience. Here is a verse:

"Come honest Tories, a truce with your politics,
Hoc Age tells you in Latin as much;
Drink and be merry, a melancholy nix;
'Tis de same ting, do I speak it in Dutch."

In 1779, a few ballads of merit appeared. During the year, in *Rivington's Royal Gazette*, "A new Song," "A New Ballad," and "The Recess"[7] were published. The last named ballad is attributed to English sources but was adopted by loyal Americans. It seems worthy of quoting:

1. Sargent, "Loyal Verses," p. 45.
2. Trimble, "Hand Book of American Literature," p. 403.
3. Stedman-Hutchinson, "Library American Literature," Vol. III, p. 244.
4. Sargent, "Loyal Verses," p. 45.
5. *Rivington's Royal Gazette*, Nov. 13, 1778.
6. Stone, "Burgoyne Ballads," p. 97.
7. Moore, "Songs and Ballads," p. 278.

"We swear the transatlantic folks
Shall all obey our orders,
While they turn all we do to jokes,
And cry out 'guard your borders.'"

"A Medley for the Light Infantry" is a worthy attempt.[1] "The Sacrifice" and "The Old Year and the New," appeared in January of this year, (1779).[2] "The Town Meeting," by Joseph Stansbury, is an historical ballad, clear but bitter, written just after the proceedings at Philadelphia.[3] The part here noted is from the second canto.

"Then Hutchinson, that great bull-calf—
A gander has more brains by half—
In croaking, froglike note
Approved the motion, and demands
The people's sense, by shew of hands,
To save or damn the vote."[4]

During the year 1780, we have ballads of a nature that seems to tend to bring before the people a realization of their present danger. "An Appeal" is typical. It asserts that the old English cause knocks at everyman's door. It is addressed to the rich as well as to the poor. The supremacy of the pope is depicted as a sure consequence of the success of the French in America.[5] At Charleston, after the siege, several verses of ordinary merit were written. Yet, these are hardly worthy of special mention. Perhaps one of the most famous ballads is that by Major Andre,[6] entitled, "The Cow Chace." The untimely and brave death of the major has given this ballad more praise than is really due it. A characteristic verse reads:

1. Sargent, "Loyal Verses," p. 82.
2. Ib., p. 102.
3. March 24, 25, 1779.
4. Sargent, "Loyal Verses," p. 43.
5. In *Rivington's Royal Gazette*, during this year, 1780, appeared the following which illustrates the point: "The clergy and selectmen of Boston paraded through the streets after a crucifix and joined in a procession in praying for a departed soul out of purgatory; and after this they gave examples of Congress and other American Leaders, on a former occasion at Philadelphia, some of whom, in the height of their zeal, even went so far as to sprinkle themselves with what they called holy water."
6. Sargent, "Life of Major Andre," 1867.

"Oh curs'd rebellion, these are thine,
Thine are these tales of woe;
Shall at thy dire insatiate shine,
Blood never cease to flow?"[1]

A verse by him after his captivity reads:

"And I forlorn, implore thine aid,
To free the sacred grove:
So shall thy prowess be repaid
With an immortal's love."[2]

A ballad that deserves mention as being clear in emphasizing the dangers of the alliance with France, is "Mary Cay or Miss in her Teens." While it is considered English, in the strict sense, its odd way in bringing about the desired effect, makes it worth mentioning in connection with ballads which aim to please the loyalist. Mary Cay (America) stole from her mother (England) some fine sugar plums (illicit colonial trade) and was soon after discovered and trounced. Sammy (Samuel Adams) insisted that she ought to be a queen and no longer obey her mother. The two plotted and managed to get other members of the school to help them. Mary's mother was forced to call on Dick and Will (the Howes) to "teach the wench her duty." Jack (Burgoyne) was sent "across the pond" to take her from the rear, but was mobbed by Mary's supporters. Dick and Will gave her a cuff or two, and finally got her into her hell-room (Philadelphia). Jack's disaster aroused the neighbors, and Puff and Barber (France and Spain) were extremely civil. The Barber began to flatter Mary and "owned that she was right." Encouraged, Mary "grew very stout," and her mother was forced to call in Harry (Clinton) to whom was left the duty of taming the shrew. In time, Mary saw that she was being deceived by her new friends, that they were working for their own interests, and she wheeled around and escaped from her betrayers. The ballad[3] is written to be sung to Yankee Doodle, and was very popular.

1. Moore, "Songs and Ballads," p. 305.
2. The gallant act of Andre's captors called forth "Brave Spalding and his Men." See Cyclopedia American Literature, Vol. I, p. 459.
3. Sargent, "Loyal Poetry," p. 109.

"A New Year's Day"[1] is an ordinary ballad which was one of the very few that appeared in 1781, both in England and America, in the anti-minstrel papers. A somewhat witty ballad, by Joseph Stansbury, is called "Invitation." One of the verses on congress does not betray a lull in the loyal spirit.

> "Ye members of Congress and Councils of State,
> By Rebellion who hope to become right and great;
> The prospect, tho' bulky, is lighter than cork,
> Then quit it in time and come hither to York."[2]

It is with great difficulty that a good ballad can be found that was written in the year 1782. "The Letter" appeared in the loyalist paper as a letter from a dejected Jonathan, a prisoner taken in South Carolina, to a brother in Philadelphia. The real truth of the matter seems to be that the editor did not want to be responsible for its publication, especially at this late period in the revolutionary war. It was published, however, after the successful campaign in the south. It may have been that the editor predicted the ultimate success of the American forces. It starts out by saying:

> "Then Congress must bend,
> We shall fall in the end,
> For the curs'd British serpents are tough.
> But I think as you find,
> I have enough penn'd
> Of such cursed, such vexatious stuff."[3]

Thus it seems to me that, while a chronological review of the loyal ballads of the American Revolution does not represent an exact picture, from an historical point of view, at the same time, sufficient light is thrown upon the scene to give us a good idea of the effect of these ballads upon the thought of the times. And, in reading of them in this imperfect way, we become more and more in sympathy with the plain historical facts as related to us by the historians.

1. Moore, "Songs and Ballads," p. 343.
2. Sargent, "Loyal Verses," p. 71.
3. Moore, "Songs and Ballads," p. 374.



ROBERT BRUCE.
(From the picture at Taymouth by Jamieson.)

BOOK OF BRUCE

BY LYMAN HORACE WEEKS

CHAPTER FIVE

Bruces of Clackmannan, Cultmalindie and Caithness

AN important chapter in the history of the Bruce family is that dealing with the distribution of the various branches throughout the mainland of Scotland and the adjacent islands. The name became conspicuously identified not only with Scotland, where the younger branch settled in the eleventh century and was most famous, but also with England where the same branch, as well as the elder, has given to public life many distinguished men and women. The branch from which the American Bruces came adhered to its early Scotch habitat. For several generations immediately after King Robert Bruce I., its representative was established at Clackmannan, one of the great Bruce's castle homes. Then toward the close of the fifteenth century a cadet of the house moved to Cultmalindie, in Perthshire, marrying into one of the leading families of that section.

Both in Clackmannan and in Cultmalindie those branches of the family became noted and for generations were actively and substantially identified with the life of those localities. Particularly the Bruces of Clackmannan were numbered among the great noble houses for several centuries. The heads of the house were active and influential in all public affairs and worthily carried the honors of their distinguished ancestors.

Nearly a hundred years later, the head of this branch went to Shetland, thus reverting to the ancestral home of the Bruces more than five hundred years before. This re-establishment of the Bruces in Shetland and Orkney was of an especially interesting character. In 1565 the crown lands of the old earldom of Orkney and Caithness were conferred by royal grant upon Sir

Robert Stewart of Strathdon who subsequently was created earl of Orkney and lord of Zetland (Shetland). This earl Stewart was an elder half-brother, on his mother's side, of Laurence Bruce of Cultmalindie in the parish of Tibbermore, county of Perth.

One branch of Laurence Bruce's family remained in Shetland and Orkney where ever since it has been numerous and strong. The elder branch clung to the old home in Cultmalindie until the close of the seventeenth century when the eldest son of the main line moved to Caithness, another locality which by virtue of brilliant historical associations clearly pertains to the Bruces. There Robert Bruce, the grandfather of George Bruce of Edinburgh and New York, was born in the little village of Watten on the banks of Loch Watten, the largest lake in the district. There also were born his son John Bruce, father of George Bruce, and his grandsons who carried the family name to distinction in the western world.

XXII

Robert Bruce, tenth of the name, son of King Robert Bruce, was created earl of Ross by his elder half-brother, King David II., after the death of William, the third earl of Ross.

He was killed in the battle of Dupplin August 11, 1332.

He married Helen Vipont, daughter of Captain Allan Vipont, of Lochleven.

Issue:

1. *Robert Bruce,* of whom below.
2. Marie Bruce, who married Sir Alexander Scrimgeour of Dudhope.

XXIII

Robert Bruce, eleventh of the name, son of Robert and Helen (Vipont) Bruce, is on record as having received the castle of Clackmannan from King David II., the charter, dated December 9, 1359, being to "delicto et fideli consanguineo suo Roberto de Bruys." By this charter Bruce received the castle and manor of Clackmannan, Gyrmanston, Garclew, Wester Kennault, Pitfolden, and other lands in the sheriffdom of Clackmannan. In October 1364 he had other grants in the same sheriffdom and in January 1367-68 lands in Rait within the sheriffdom of Perth.

He was killed in the battle of Shrewsbury July 23, 1403.

He married Isabel Stewart, daughter of Sir Robert Stewart of Roslyth or Rosyth castle.

Issue:

1. *Robert Bruce,* of whom below.
2. Edward Bruce, ancestor of the Bruces of Airth, Earlshall, and Stenhouse.
3. Alexander Bruce, ancestor of the Bruces of Garbot.
4. James Bruce, Bishop of Dunkeld, 1441, and High Chancellor of Scotland, 1440; died in 1447.
5. Helen Bruce, who married David Ross of Balnagowan

XXIV

Robert Bruce, twelfth of the name, son of Robert and Isabel (Stewart) Bruce, was the second baron of Clackmannan. In 1393, he received the lands and castle of Rait or Raith by charter from King Robert Bruce III. who called him "my beloved cousin."

He died in 1405.

He married a daughter of Sir John Scrimgeour of Dudhope, constable of Dundee castle. Sir John Scrimgeour was constable before 1400, under Alexander, earl of Ross, lord of the Isles and baron Kincardine. His father, Sir James Scrimgeour, fell in battle at Harlaw, fighting under Alexander, earl of Mar, against Donald, lord of the Isles, July 24, 1411.

Issue:

1. *David Bruce,* of whom below.
2. John Bruce.
3. Patrick Bruce.
4. Thomas Bruce.

XXV

David Bruce, of Clackmannan castle and manor, son of Robert Bruce preceding, was the third baron of Clackmannan.

He married Jean Stewart, daughter of Sir John Stewart of Innermeath and Lorn.

Issue:

1. *John Bruce,* of whom below.
2. Patrick Bruce, 1449.
3. James Bruce, 1450.

XXVI

John Bruce, son of Robert and Jean (Stewart) Bruce, was the fourth baron of Clackmannan.

He married Elizabeth Stewart, daughter of Sir David Stewart of Rosyth castle.

Issue:

1. David Bruce. He was knighted by King James IV. He married, first, Janet Stirling, daughter of Sir William Stirling of Keir; second, Marion (Herries) Stewart, daughter of Sir Robert Herries of Terreagles, and widow of David Stewart of Rosyth.
2. *Robert Bruce,* of Cultmalindie, of whom below.

XXVII

Robert Bruce, second son of John Bruce preceding, was of Cultmalindie, parish of Tibbermore, County of Perth.

He died in 1508.

He married, in 1475, Janet Barbour, daughter of John Barbour of Cultmalindie, and by this marriage received half of the Cultmalindie lands.

XXVIII

Hector Bruce, son of Robert and Janet (Barbour) Bruce, succeeded his father at Cultmalindie.

He died in 1535.

He married, January 19, 1502, Gelis Wardlaw, daughter of John Wardlaw.

XXIX

John Bruce, son of Hector and Gelis (Wardlaw) Bruce, was also of Cultmalindie.

He died in 1569.

He married Euphame of Elphinston, daughter of Alexander, the first baron of Elphinston.

Issue:

1. *Lawrence Bruce,* of whom below .
2. Robert Bruce, who is traditionally said to have been the father of William Bruce of Symbister.
3. Henry Bruce.
4. James Bruce.

XXX

Lawrence Bruce, of Cultmalindie, son of John and Euphame (Elphinston) Bruce, went to Scotland in 1571. His uterine brother, Lord Robert Stewart, appointed him underfowde of the earldom in the Shetlands and Orkneys, an office corresponding to that of governor. That appointment determined him to make his home in the islands, and accordingly he went thither with his family, establishing his residence on the island of Unst. He became a large owner of lands on that and other islands, and in 1598 he commenced building the castle of Muness on the island of Unst, a work that was completed by his son, Andrew Bruce. In August, 1614, the privy council appointed him a commissioner to apprehend any of the rebels from Orkney who might seek shelter in Shetland.

He died in August, 1617.

He married, first, Helen Kennedy, daughter of Alexander Kennedy of Girvan Mains; second, Elizabeth Grey, daughter of Patrick, the fifth lord Grey, by whom he had no issue.

Issue of Lawrence and Helen (Kennedy) Bruce:

1. *Alexander Bruce,* of whom below.
2. Andrew Bruce, who succeeded to the paternal estates in Shetland. He died February 12, 1625. He married, in 1600, Isabel Sinclair, daughter of Malcolm Sinclair of Quendael.
3. Helen Bruce, who married in 1588, Adam Sinclair.
4. Margaret Bruce, who married Alexander Fordyce.
5. Marjory Bruce, who married Malcolm McInroy.
6. Elizabeth Bruce.

XXXI

Alexander Bruce, of Cultmalindie, son of Lawrence and Helen (Kennedy) Bruce, had a charter of confirmation March 24, 1587, securing to him the lands of Cultmalindie granted to him by his father.

He died October 23, 1624.

He married, December 15, 1568, Jean Oliphant, daughter of Lawrence, the fourth Lord Oliphant.

Issue:

1. Lawrence Bruce.
2. *George Bruce,* of whom below.
3. Alexander Bruce.
4. Helen Bruce. She married, first, Robert Moray, fiar of Abercairney; second, Malcolm Fleming.
5. Barbara Bruce, who married David Smith.
6. Jean Bruce. She married Hugh Sinclair and died March 8, 1644.
7. Marjory Bruce. She married John Cheyne and died April 4, 1645.
8. Margaret Bruce.

XXXII

George Bruce, of Cultmalindie, son of Alexander and Jean (Oliphant) Bruce, sold his patrimony to James Drummond previous to May, 1667.

He died in 1675.

He married Margaret (Campbell) Stewart, daughter of Robert Campbell of Glenlyon, and widow of Robert Stewart of Ballechin.

Issue:

1. Lawrence Bruce.
2. *George Bruce,* of whom below.
3. Jean Bruce.

XXXIII

George Bruce, son of George and Margaret (Campbell-Stewart) Bruce, was the first of his family to appear in Caithness. In the parish of Wick, March 10, 1709, he married Anna Sutherland.

XXXIV

Robert Bruce, son of George and Anna (Sutherland) Bruce, was a resident of Watten, Caithness.

On November 2, 1728, he married Janet Sutherland, daughter of George Sutherland by his wife Margaret Bruce.

Issue:

1. *John Bruce,* of whom below.
2. George Bruce, born May 19, 1732.



THOMAS EARL of ELGIN

XXXV

John Bruce, son of Robert and Janet (Sutherland) Bruce, was born in Watten, Caithness, April 8, 1730.

He married, January 12, 1764, Janet Gilbertson, daughter of William Gilbertson of Watten. She was probably born in 1740, her baptism being of record October 27 of that year.

Gilbertson.—The Gilbertson family was originally of North of England antecedents. As the name indicates, it was a branch of the Gilbert stock, Gilbertson being simply the son of Gilbert. The Gilberts were people of distinction, being descended from Gilbert of Normandy, the name, meaning "bright fame," having been given to a crusader. Gilbert of Fontenelle was closely associated with William the Conqueror, while other distinguished representatives of the family were an Auvergnat knight of the second crusade, the English founder of the order of Gilbertine monks, and a Bishop of Caithness. According to the heralds visitation of Leicestershire in 1619, William Gilbert, son of Hugh Gilbert, bore the following arms: gules, an armed leg couped at the thigh, in pale between two broken spears argent, headed or. Crest: a dexter arm embowed in armor proper, the hand darting a broken lance in bend sinister, the point argent, staff or. The Gilbertson coat of arms is identical with the above, proving consanguinity. The crest of the Gilbertson family is a snail in the shell proper.

William Gilbertson moved with his family from the old home in England to Caithness in the early part of the eighteenth century. Births and deaths in his family are recorded in the parish register of Wick which adjoins the parish of Watten, where John Bruce lived. He is there called William Gilbertson of Myrelandorne. He appears to have been a man of standing in the community, and his daughter took a substantial fortune to her husband.

The Bruces and the Gilbertsons of this generation were admirable representatives of the industrious, hard-headed Scotch people who have made names for themselves, not alone in their native country, but in other parts of the world. Although they

came from ancestors who had brilliant records, they prided themselves even more upon their honesty and integrity of character and their love of native land. They contributed well to the life of the little communities in which they lived and their sons and daughters were worthy descendants, who, in their way cast further honor upon the names of their families.

Issue of John and Janet (Gilbertson) Bruce:

1. Elizabeth Bruce, born January 12, 1766.
2. Janet Bruce, born April 15, 1768.
3. David Bruce, born November 16, 1770.
4. Whilhelmina Bruce, born in 1785.
5. John Bruce, who died in Egypt fighting Napoleon.
6. *George Bruce* of Edinburgh and New York, founder of the New York branch of the family; of whom below.

CHAPTER SIX

Bruces of Kinloss, Elgin, and Kincardine

SEVERAL Bruce families of Scotland and England have ranked high among the nobility of the United Kingdom. Their representatives have been conspicuous in the social life of the periods in which they severally lived and they have rendered their country signal service in affairs of state, in diplomacy, in war, and in literature. One line has been particularly noteworthy, that of Kinloss, Elgin, and Kincardine, which has given to the world several men and women of pre-eminent achievement and which produced Christiana Bruce, who married William Cavendish and was the progenitor of the great dukes of Devonshire.

The branch from which the lords of Kinloss, and the earls of Elgin, Ailsbury, and Kincardine sprang, connected with that from which George Bruce of Edinburgh and New York derived, in the person of John Bruce, the fourth baron of Clackmannan who was in the fifth generation from King Robert Bruce I and who married Elizabeth Stewart, daughter of Sir David Stewart of Rosyth Castle. Sir David Bruce of Clackmannan, the eldest son of John Bruce and his wife Elizabeth (Stewart) Bruce, was knighted by King James IV., and was the immediate ancestor of this noble family.

David Bruce, son of the preceding Sir David Bruce, became the seventh baron of Clackmannan. In 1497 he married Janet Blackadder, daughter of Sir Patrick Blackadder of Perthshire. He had a family of five sons and four daughters, of whom the most prominent in the next generation was his second son, *Edward Bruce,* of whom below.

Edward Bruce of Blairhall, second son of the preceding, married Alison Reid, daughter of William Reid of Aikenhead, County of Clackmannan, and sister of Robert Reid, bishop of Orkney. He was president of the court of session from 1543 until the time of his death in 1558. He died in France whither he had gone as a commissioner from Scotland to witness the marriage of Mary, queen of Scots, to the dauphin of France. He had three sons, *Edward Bruce,* of whom below, Sir George Bruce, whose descendants became the earls of Elgin, and William Bruce.

Edward Bruce of Blairhall, second son of Edward and Alison (Reid) Bruce, was born about 1549. His public career began as early as 1576 when he was judge of the commissary court of Edinburgh. In the same year he received a grant of the abbey of Kinloss in Ayrshire and was appointed one of the delegates of the lord-justice general of Scotland. He was commendator of the Cistercian abbey at Kinloss and was appointed lord of session in 1597. A devoted adherent of King James VI., he was active in all the intriguing of that period for the advancement of James. It was largely due to his efforts that the peaceable accession of the Stewart to the English throne was brought about, and he accompanied James to England to be present on the occasion of that monarch's coronation in 1603.

He became a naturalized subject of England, was made a member of the privy council of both kingdoms, and was raised to the peerage with the title of Baron Bruce of Kinloss. In 1604 he succeeded Sir Thomas Egerton to the mastership of the rolls. He died January 14, 1610-11, and was buried in the Rolls Chapel in Chancery Lane, London, where a monument was erected to his memory. This memorial structure shows his effigy recumbent clothed in the habit of the master of rolls. Upon it is the following inscription:

FUIMUS.

We were—we are no more.

Sacrae Memoriae Domini Edwardi Bruce, Baronis Bruce, Kinlossensis, sacrorum scriniorum Magistridicatum, qui Obiit 14 Jan. Sal 1610 Aetat 62 Jacobi Regis 8.	To the sacred memory of Lord Edward Bruce, Baron Bruce of Kinloss. Of the sacred Records Master who died Jan. 14th, 1610, of the age of 62, in the 8th of James the King.
Brucius Edvardus situs hic et Scotus et Anglus;	Bruce Edward buried here, both Scot and English,
Scotus ut ortu, Anglis sic oriundus avis,	As Scot by birth, so sprung from English ancestors,
Regno in utroque decus tulit, auctus honoribus amplis,	In each kingdom glory he maintained, entrusted with great offices,
Regi a consiliis regni utriusque; fuit	To the King he was of Councils of each kingdom;
Conjuge, prole, nuro, genero, spe, reque beatus;	In Wife, Children, Daughter-in-law, son-in law, hope and estate blessed,
Vivere nos docuit, nunc docet ecce mori.	He taught us to live; now teaches lo! to die.

He married Magdalen Clark, daughter of Alexander Clark of Balbirny in Fife.

The eldest son of Edward and Magdalen (Clark) Bruce was Edward Bruce, the second lord Bruce of Kinloss. He was a knight of the Bath and was killed in Holland, in an historic duel, by Sir Edward Sackville, afterwards earl of Dorset who had long been his close companion.

"It appears that Lord Bruce was a nobleman of singularly gentle and amiable manners, and had been intimate from boyhood with Sir Edward Sackville, a young man of profligate and



dissolute habits. An attachment had grown up between Lord Bruce and Lady Clementina Sackville, Sir Edward's sister, and it was agreed that when he had attained to manhood they should be married. One day when going out hunting at Culross in Fifeshire, an old woman was nearly ridden over by Sir Edward who struck at her several times with his whip. Lord Bruce begged him to calm himself, and said: 'Don't hurt her, she's a spaewife.' The old woman exclaimed: 'Ride on to your hunting, young man. You will not have the better sport for abusing the helpless infirmities of old age. Some day you two will go to a different kind of sport and one only will come back alive.' "[1]

Despite the intimacy of the two young men Sir Edward, on two occasions, when under the influence of wine, insulted and struck Lord Bruce in the face. For his love of Lady Sackville he bore this insult at first with calmness but upon its repetition he felt compelled to defend his honor. In those days a duel was inevitable under the circumstances, and without delay the young men arranged to meet upon the field of honor.

"Bruce then went and took leave of his mother, and then of Lady Clementine Sackville, and going abroad sent a challenge to Sir Edward. A piece of ground was bought near Bergen of Zoom that they should not be interrupted and thither they repaired. Nothing is known of the particulars of the duel but from a letter of Sir Edward's, in which the account bears upon the face of it the stamp of truth and whence it appears that Bruce would accept of no quarter and was determined that one or the other should die; and that he was very nearly victor himself, for Sir Edward was badly wounded, but Lord Bruce died. The place is called by the name of Bruce's Field to this day. The heart of Lord Bruce after being placed in a silver case, was brought to this country and interred in the vault or burying ground adjoining the old Abbey of Culross in Perthshire."[2]

In a treatise on second sight, by John Aubrey, it is said:

"The unforunate Lord Bruce, saw distinctly the figure or impression of a mort head, in the looking-glass in his chamber, that very morning he set out for the fatal place of rendezvous, where he lost his life in a duel, and asked some of them that stood by him, if they observed that strange appearance; which they answered in the negative. His remains were interred at Bergen-

1. 2. "Histories of Noble British Families," by Henry Drummond.

op-Zoom, over which a monument was erected, and the emblem of a looking-glass impressed with a mort head, to perpetuate the surprising representation which seemed to indicate his approaching untimely end. The monument stood entire for a long time."[3]

The second son of Edward and Magdalen (Clark) Bruce was *Thomas Bruce* who became the first earl of Elgin. The youngest son was Robert Bruce, the baron of Skelton. The only daughter of the family, Christiana Bruce, married, in 1608, William Cavendish, second earl of Devonshire.

Thomas Bruce the third lord of Kinloss and the first earl of Elgin, succeeded to the title upon the death of his elder brother, unmarried. He was born in Edinburgh, December 2, 1599. Attending King Charles I. into Scotland, in 1632, he was created earl of Elgin in that year, and, in 1641, was created a peer of England, with the title of Baron Bruce of Whorlton. He died December 21, 1663. He married, first, Anne Chichester, daughter of Sir Robert Chichester of Devonshire; second, Diana Vere, dowager of Henry Vere, earl of Oxford, and the second daughter of William, earl of Exeter, by his wife Elizabeth Drury.

Robert Bruce, the second earl of Elgin, son of Thomas Bruce preceding, succeeded his father in 1663. He was lord lieutenant of the County of Bedford in 1660 and a member of parliament in 1660 and 1661. He was a member of the privy council in 1678 and was appointed lord chamberlain of the household of King James VII. He was created baron Bruce of Skelton, Yorkshire, and was viscount Bruce of Ampthill, Bedfordshire, and earl of Ailsbury in Buckinghamshire in the peerage of England. He died at Ampthill, in Bedfordshire, in 1685. He married in 1646 Lady Diana Grey, second daughter of Henry, first earl of Stamford, and had eight sons and nine daughters. Five sons died young.

Thomas Bruce was the third earl of Elgin and the second early of Ailesbury. He was the sixth and eldest surviving son of the Robert and Diana (Grey) Bruce, and succeeded his father in the title in 1685. He adhered to the cause of King James II., and in 1695 was active in the plottings in which so many Scottish

3. "Miscellaneous Scotica."

noblemen were involved to restore that monarch to the throne. He was apprehended by the English authorities and committed to the tower of London in February 1695-6. During the time of his confinement in the tower his wife died through apprehension of the fate that might overtake him. After his release he left England and went to Holland to live. He died in Brussels in 1741, having been a resident in that city after 1698. He married, first, in 1676, Elizabeth Seymour, daughter of Henry Seymour, lord Beauchamp, co-heir of Mary Tudor, sister of King Henry VIII.; she was a sister of William, duke of Somerset, and a lineal descendant of Mary, queen of France, daughter of King Henry VII., and she was connected in blood with several of the most ancient noble families of the kingdom. He married, second, Charlotte, countess of Sannu, of the house of Argenteau, duchy of Brabant.

Charles Bruce, second son of Thomas Bruce, preceding, was the fourth earl of Elgin and the third earl of Ailesbury. He succeeded his father in 1741. He was chosen a member of parliament in 1707, 1708, and 1710. Under the title of Baron Bruce of Whorlton, he was one of the twelve peers who were created and summoned December 31, 1711, to secure for the government a tory majority in the house of lords. In 1746 he was created baron Bruce of Tottenham. He married, first, Lady Jane Saville, eldest daughter of William, Marquis of Halifax, and she died in 1717; second, in 1720, Lady Juliana Boyle, daughter of Charles, earl of Burlington, and she died in 1739; third, in 1739, Caroline Campbell, daughter of John Campbell, afterward duke of Argyle. He left no surviving male issue and his title of Elgin devolved on Charles Bruce, the ninth earl of Kincardine.

The line of Charles Bruce, the ninth earl of Kincardine and the fifth earl of Elgin, also unites with that of the American Bruces in Sir John Bruce (xxvi)[4] who was the father of Robert Bruce (xxvii)[5] of Cultmalinde, extending through his son, Sir David Bruce, his grandson, Sir David Bruce, and great-grandson, Edward Bruce of Blairhall.[5]

4. Page 266.
5. Page 266.
5. Page 271.

George Bruce of Carnock, third son of Edward Bruce of Blairhall by his wife Alison Reid, was prominent in trade and manufacturing and did much to develop the coal mines in Culross early in the sixteenth and seventeenth centuries. He was knighted by King James VI. in 1604, and died May 6, 1625. He married Margaret Primrose, daughter of Archibald Primrose of Burnbrae.

George Bruce of Carnock, eldest son of George and Margaret (Primrose) Bruce, was a man of affairs and took a prominent interest in the political movements of his day. He was a member of the commission appointed to treat with England in regard to the union of the two kingdoms in July 1604. He married Mary Preston, daughter of Sir John Preston of Valleyfield. His son, Edward Bruce, was created earl of Kincardine and lord Bruce of Torrey in 1662 and died without issue, being succeeded in 1662 by his brother, Alexander, the second earl of Kincardine, whose second son, Alexander Bruce, the third earl of Kincardine, died in 1705 unmarried.

Alexander Bruce, the second earl of Kincardine, was a man of extraordinary character. His deep and lively concern in political affairs compelled him to exile himself from Scotland in 1657, and he did not return until 1660. After the Restoration Scotland was a possible place of residence for him, and in the quietude that followed he was occupied in business; but in time he again devoted himself to public affairs, being particularly thus engaged from 1660 to 1676, when he held various offices of trust. In 1676 his activity and influence became of such a pronounced character that the king dismissed him from the Scottish privy council. During his residence in Holland he married, in 1659, Veronica, daughter of Corneille Van Arson Van Sommelsdyck, lord of Sommelsdyck and Spycke. This marriage added much wealth to his own considerable possessions and made him one of the great and prosperous men of his day. He was engaged in the Greenland whale fisheries, in quarrying, and in other industries and substantially increased his fortune. He was a man of wide culture and varied attainments, and of unusual personality in many ways. An historian has said of him that he was a

"man of deep personal religion, of highly refined tastes and of very wide attainments; medicine, chemistry, classics, mathematics, mechanical appliances of every kind especially as adapted to his mining enterprises, divinity, heraldry, horticulture, forestry, pisiculture, mining and the management of estates."[6]

Robert Bruce of Broomhall, brother of the preceding George Bruce of Carnock, was the third son of the first Sir George Bruce of Carnock, and his wife, Margaret (Primrose) Bruce. After the lapsing of the title in the line of the elder brother through the death without issue of the sons and grandsons of the second George Bruce of Carnock, his family became first in the male line, although he himself had died half a century before the title came to his sons. He was a member of the legal profession, was admitted an advocate, and became eminent among the practitioners of his time. He was lord of session, appointed in June 1649. He died in June 1652. He married Helen Skene, daughter of Sir James Skene of Curriehill. It was through him and his son Alexander, in the direct line from the first Sir George Bruce of Carnock, that the famous earls of Elgin and Kincardine of later generations derive.

Alexander Bruce, the fourth earl of Kincardine, son of Robert Bruce of Broomhall, and his wife Helen (Skene) Bruce, took his seat in parliament in 1706. He married Christiana, daughter of Robert Bruce of Blairhall, son of Edward Bruce of Blairhall, and was succeeded in turn by his three sons, Robert Bruce, Alexander Bruce, and Thomas Bruce.

Thomas Bruce, the seventh earl of Kincardine, son of Alexander and Christiana (Bruce) Bruce, was born March 19, 1663. He died March 26, 1740. He married Rachel Pauncefort, daughter of Robert Pauncefort of Hereford.

William Bruce, the eighth earl of Kincardine, son of Thomas and Rachel (Pauncefort) Bruce possessed the title only a few months, dying September 8, 1740. He married, in 1726, Janet Roberton, daughter of James Roberton, of Lanark; she died March 29, 1772.

Charles Bruce, the ninth earl of Kincardine, son of William

6. "National Biography," by Leslie Stephen.

and Janet (Roberton) Bruce, was born about 1722. He succeeded his father in 1740, and in 1747 attained to the Scottish earldoms of Elgin and Ailesbury on the death of his kinsman, the fourth earl of Elgin; thenceforth he was earl of Elgin and Kincardine. He was active in promoting agriculture in both parts of the United Kingdom and developed important industrial enterprises. He died in Broomhall May 14, 1771. In the churchyard of Dunfermline Abbey a handsome monument stands to his memory and is thus inscribed:

"Sacred to the memory of Charles, Earl of Elgin and Kincardine, who died the 14th of May, 1771, aged 39 years. By the goodness of his heart and the virtues of his life, he adorned the high rank which he possessed. In his manners amiable and gentle; in his affections warm and glowing; in his temper modest, candid and cheerful; in his conduct, manly and truly honorable; in the character of husband, father, friend and master, as far as human imperfection admits, unblemished. Pious, without superstition; charitable without ostentation. While he lived the blessing of him that was ready to perish came upon him. Now their tears embalm his memory. Reader! beholding here laid in the dust the remains which once so much virtue adorned, think of the vanity of life; look forward to its end, and prepare, as he did, for immortality."

He married, in 1759, Martha White, daughter of Thomas White of London, and was succeeded by his son, William Robert Bruce, who died only two months after his father.

Thomas Bruce, second son of Charles and Martha (White) Bruce, was the seventh earl of Elgin and the eleventh earl of Kincardine. He was born in 1756 and educated at Harrow and Westminster, afterwards studying at St. Andrew's and in Paris. He entered the army in 1785 and rose to the rank of major-general in 1809. It was in diplomacy, however, that he achieved his greatest distinction, and he has been remembered as one of the ablest and most brilliant diplomats in the history of modern England. In 1790 he was intrusted with a special mission to the Emperor Leopold of Belgium, and in this opportunity he was so preeminently successful that he was sent as envoy-extraordinary to the court of Brussels in 1792. Subsequently he was

envoy-extraordinary and minister-plenipotentiary to the court of Berlin in 1795.

He was appointed ambassador-extraordinary and minister-plenipotentiary to the Sublime Ottoman Porte in 1799 and there he entered upon a mission in connection with the preservation of the ancient works of art of Greece that gave him worldwide fame and entitled him to the admiration of all lovers of art. Taking up the study and examination of Grecian art he was soon embued with an enthusiasm that carried him quite beyond his original intentions until the pursuit absorbed his mind and his time exclusively for many years. His initial movement was made to have permission from the Porte to carry on the work that he contemplated. This concession was secured in 1801 and the privilege was granted to him to make drawings and reproductions of the Grecian sculptures of the Parthenon and elsewhere and to take away such of those remains as he might desire. Employing competent artist assistants he made a large collection of these antiquities which he had ready for transportation to England in 1803. This was only the nucleus for the great collection which subsequently became known as the Elgin Marbles additions being made to it from time to time until 1812.

As soon as all these works of art were safely landed in England he arranged an exhibition of them in London and they excited the wonder and admiration of all who saw them. He did not however, entirely escape criticism, for there were many ready to accuse him of vandalism in removing these art works from their original home in Greece. In this connection Byron's scathing poem, "The Curse of Minerva" will be recalled. In the course of time, however, his acts came to be generally approved, and in 1816 the whole collection was purchased for the nation.

From 1790 to 1840 Lord Elgin was one of the representative peers of Scotland, but after his return from the East to England he took but little part in public affairs, his life being embittered by the criticisms that were made upon him by many of his contemporaries. He died November 14, 1841. He married, first, in 1799, Mary Nesbit, the only child of William H. Nesbit of Dirleton, Haddingtonshire; second, in September 1810, Eliza-

beth Oswald, daughter of James T. Oswald, of Dunniker, Fifeshire.

James Bruce, second son of the preceding, by his second wife Elizabeth Oswald, was the eighth earl of Elgin and the twelfth earl of Kincardine. He was educated at Eton and at Christ Church, Oxford, and became a fellow of Merton. On the death of his father in 1841, he succeeded to the Scottish earldoms. Entering the diplomatic service of his country he became one of the most famous diplomats of his time, rivaling in achievement even his father. In March, 1842, he was appointed governor of the Island of Jamaica and his administration there under specially discouraging conditions was preeminently satisfactory. His success won for him promotion to the governorship of Canada where he was sent in 1846. Troublous times were then in the Dominion, riots and other disturbances throughout the country upsetting affairs and giving both the local and the home government much anxiety. The new governor-general, however, was again successful and after an eight-year term of service he was able to leave the Dominion in a much more healthful condition politically and industrially than it was when he arrived.

In 1857 he was sent as an envoy to China, but before reaching there he was ordered to India to aid in suppressing the mutiny which had broken out in that colony. Having done admirable service in that emergency he returned to China and negotiated a treaty with that country, and also with Japan. In 1859 he was a member of Lord Palmerston's cabinet holding the portfolio of postmaster-general. The distinction of his achievements in public life brought him abundant recognition, and he was elected rector of Glasgow University and received the freedom of the City of London.

In 1860 he was sent as an envoy to China on another delicate mission, and two years later was appointed viceroy and governor-general of India. Leaving England in January of 1862 he entered upon the duties of his new position with some misgivings on account of ill-health. He was able to accomplish a great deal of good, however, in the two short years that he lived, his death occuring from heart disease at Dharmsala in November, 1863. He married, first, April 22, 1841, Elizabeth Mary Bruce,

only daughter of Charles Lennox Cumming-Bruce; second, in 1847, Lady Louisa Mary Lambton, daughter of the first earl of Durham.

Frederick William Adolphus Bruce, the youngest son of Thomas and Elizabeth (Oswald) Bruce, also won distinction in the diplomatic service of Great Britain. He was born at Broomhall, Fifeshire, April 11, 1814. He was first appointed colonial secretary at Hongkong in 1844, and subsequent appointments were lieutenant-governor of Newfoundland in 1846; consul-general to Bolivia in 1847; charg d'affaires to Uraguay in 1851; and agent and consul-genèral to Egypt in 1853. He was secretary to his brother James Bruce, ambassador-extraordinary to China in 1857, and was appointed envoy-extraordinary and minister-plenipotentiary to China in the following year. In 1865 he was transferred to the United States where, as British Minister at Washington, he won the approval of both his home government and that of the United States. His term of service in the United States lasted less than two years, ending with his death which occurred suddenly in Boston September 19, 1867. He was not married. He was buried in Dunfermline Abbey.

CHAPTER SEVEN

Bruce of Airth

IN the peerage line the Bruces of Clackmannan and their offshoots longest maintained their identity. Descent in male stock was preserved for many generations and title and possessions were held by worthy sons of the name. The Elgin, Ailesbury, and Kincardine were the most famous of these branches and contributed most vigorously and most brilliantly to the history of their country. But other strong lines long persisted and from some of them branches extended even into foreign lands. Most noted among these was probably that of Airth from which sprang the Bruces of Earlshall, Kinnaird, and Stenhouse and the Counts Bruce of France. Some of the branches of this line were scarcely less distinguished than their parent stem.

"And in Scotland still, not far removed from the old sites of Dumfermline, Clackmannan, and Rosyth, and still possessing Broomhall, Culross, Blairhall, etc., etc., we must look for the chief of that ancient house; whilst on the south side of the Forth some few scions still remain of the house of Airth, and in foreign lands we find many willing to claim kindred, and bearing for centuries the same arms. The Comtes de Brus in France we have been enabled to trace from their origin. Russia, Prussia, and Sweden have also their branches; and the Princesses des Horne of Salm and Stolberg took pains to prove their descent from their mother, the Lady Charlotte Maria Bruce, daughter of Thomas, third earl of Elgin, who married at Brussels, in 1698, Charlotte, Countess de Sanu, of the noble house of Argenteau, in the Duchy of Brabant, one of whose grand-daughters became the wife of Charles Edward, Chevalier de St. George."[7]

In the day of Wallace the patriot, Erthe or Arth was one of the great strongholds on the banks of the Firth. It was held by a garrison of English soldiers who oppressed and maltreated the people of the neighborhood. They imprisoned many, including an uncle of Wallace, the priest of Dunipace, in a cave or cell under the castle, and thereupon Wallace attacked the stronghold and, killing its defenders, rescued the prisoners. On the west side is a tower that is still called Wallace's tower and the spot is pointed out where he killed most of the English soldiers. The De Erths recovered their property after a while and it was retained by them until well into the fifteenth century. The family was very ancient and well connected, its sons and daughters marrying into various families of high distinction. Of Alexander de Airth, 1296, Nisbet says:

"An ancient family in Stirlingshire, that had the baronies of Airth, Carnock, Playne, etc., etc., which in the reign of James I. came to heirs female, and by marriage to the Bruces, Drummonds and Somervilles."[8]

The name occurs frequently in the Ragman Roll and other Scottish records from the latter part of the thirteenth century. In 1426-27 Alexander de Arth was one of the representatives of

7. "Family Records of the Bruces and Cumyns," by M. E. Cumming Bruce, p. 296.
8. "Ragman Roll," by A. Nisbet.



SIR EDWARD BRUCE BARON BRUCE ... MASTER OF THE ROLLS

Malyse, earl of Strathearn by his mother Matilda, who was one of the daughters of that earl by his third wife, Isabel, daughter of Magnus, earl of Caithness and Orkney. Because in the reign of King David II. he gave his eldest daughter, Johanna, in marriage to Narrenne, earl of Surrey, "an enemy of king and kingdom," the earl of Strathearn was forfeited of his title by King Robert II.

Edward Bruce, second son of Sir Robert Bruce of Clackmannan by Isabel Stewart of Rosyth,[9] married Agnes de Erth, eldest daughter and co-heiress of William de Erth, and thus his family came in possession of Erth or Airth. Personally he does not appear to have held that property as he probably died before his father-in-law and his father. He left two sons, Robert Bruce and William Bruce. His widow married secondly an Elphinston, of a family with which the Bruces in several lines were often matrimonially connected.

Sir Robert Bruce of Airth, son of Edward and Isabel (Stewart) Bruce, married Agnes Livingstone, a daughter of Sir Alexander Livingstone. With his father-in-law and other nobles he was constantly embroiled in the political controversies of his time. His activity made him an object of jealousy on the part of the courtiers of King James II., and he lost his life thereby in 1449-50.

"That samen yer, the xixth dai of Janvier, James II, held his first parliament. Then was forfaulted Sir Alexander Levingstone, Lord Kallender, and James Dundas of that Ilk; and Robert Bruce, the Lord of Clackmannan's brother (nephew) and James Levingstone, son and heir of the said Alexander, was put to died, baith togidder, on the Castle hill. Their heides stricken off the 3d daie of the Parliament."[10]

Sir William Bruce, the second son of Edward and Isabel (Stewart) Bruce, went to France and entered the service of King Charles VIII. He was greatly beloved and honored by that monarch, by whom he was made a knight of the order of St. Michael and received permission to add the fleur-de-luce to his arms. The Earlshall family founded by him through his grand-

9. XXIII on page 264.
10. "Auchencleck Chronicle," p. 26.

nephew, Sir Alexander Bruce of Brigham, ever after bore arms with that distinction.

Sir Alexander Bruce, only son of Sir Robert and Agnes (Livingstone) Bruce succeeded to his father's title and lands upon the return of the family to the royal favor in 1451. He married, first, Joneta, daughter of Alexander, the first lord Livingstone, and, she dying without issue, he married, second, Margaret Forrester, daughter of Sir Malcolm Forrester.

Sir John Bruce, eldest son of Alexander and Margaret (Forrester) Bruce, died before his father. He lived at Stanehouse which appears to have been the property and residence of the heir apparent of Airth for some generations. He was involved in many of the political troubles of the time and became so conspicuous in his doings that he was placed under ban as a traitor, as appears from an act of parliament, November 6, 1481.

"The quhilk tyme the saide Commissioners chargeit Johne the Brois of Erthe, Constable Depute in that pairt to call Alexander, Duke of Albany, the Earl of Marche, and others, to compare in our Souveraine Lorde's Parliament to answer for their crimes of treason."

In some one of those difficulties engendered by the passions that made Scotland so long a bloody field of family and neighborhood animosities, he met a tragic death. As appears by the Criminal Trials, he was "slaughtered" by the Menteiths, brothers of his wife.

"28th January 1488-89, William Menteith of the Kerss, Archibald, his brother, Alexander Menteith, for thaim, their kyn and frendis, on the tae pairt; 'Robert the Broisse of Arthe,' 'Alexander,' 'Lucas' and 'Robert Broisse' for thaim and brether, emes, and frendis, on the uther pairt; bind and oblije theimselves to abide the sentence of the Lords of Council 'tuiching the making of Amendis for the selaughter of umquhile Johne the Broisse of Arthe, and tuiching the making of amit.' Inff and tenderuis betwix the pairties in tyme to cum."

This Sir John Bruce married, in 1741, Elizabeth Menteith, daughter of Sir William Menteith of Kerss. He left three sons. Robert Bruce succeeded his father. Thomas Bruce found a

branch of the family in France. One of his daughters, Helen Bruce, married a son of Sir William Menteith of Kerss, one of her father's murderers. Another daughter, Janet Bruce, married William Livingstone, the younger, who fell on Flodden Field.

Sir Robert Bruce, son of John and Elizabeth (Menteith) Bruce, succeeded his father in Stanehouse and his grandfather Sir Alexander Bruce in Airth, 1488-89. During his lifetime the peace between the Bruces and the Menteiths was still further bound by the erection, in the Airth church, of the Bruce aisle at the expense of the two families. He married Euphemia Montgomery, daughter of Alexander, lord Montgomery.

Robert Bruce, son of Robert and Euphemia (Montgomery) Bruce, succeeded his father who was killed at Flodden. In May, 1544, he was captain of the castle of Edinburgh and in that place gained special renown by the gallant defense that he made against the army which King Henry VIII. of England sent to Scotland to enforce his demand for the person of the Queen Mary, who was then only an infant and whom the English desired to take from her Scottish environment.

"The Laird of Stanehouse, captain thairof, caused shoot at them, in so great abundance, and with so guid measure, that they slew a great number of Englishmen, amongst whom were some principal captains and gentlemen, and one of the greatest pieces of ordinance was broken, wherethrew they were obliged to raise the siege shortly and retire."

He married Janet Forester, daughter of Sir Walter Forester of Carden.

Sir Alexander Bruce, head of the house in the fifth succeeding generation in the direct eldest male line from the preceding Robert Bruce, came to a much diminished inheritance. His grandmother was Margaret Elphinston, daughter of Sir Alexander, fourth lord of Elphinston. Early in life he took military service in Germany and he was with Prince Rupert in the Low Countries during many years. He returned to his native land in the spring or summer of 1665, and in September of that year

he died—the last Bruce of Airth in the male line. Through the marriage of his daughter, Jean Bruce, to Richard Elphinston, the barony passed to those of the name of Elphinston and Dundas. In the old street of Airth, the village cross, still standing, bears on one side the Bruce arms, with the lion for a crest, and on the other the Elphinston arms with the motto "Do well, let them say," with the initials C. E., 1697 (Charles Elphinston). Nearby a stone bears the united arms of Bruce and Elphinston. Not many years ago, there was in the old church of Airth a slab of black marble that bore upon its face an inscription to one of the barons of Airth. The marble has long since disappeared but the inscription that was on it has been preserved and reads as follows:

Brusiois hic situs est pietate an clarior armis
Incertum; est certum regibus ortus avis.
Heer lies a branch of Brusses noble stemm,
Airth's Baron! whose high wurth did sute that name.

Holland his courage honoroured. Spain did feare—
The Swedes in Funen bought the triall deare.
At last his Prince's service called him home
To die, on Thames, his bancke, and leave this tombe,

To bear his name unto posteritie,
And make all men love his memorie.

Alexandro Brussio
Ex Robertii Brossii, Scotorum Regis
Filio Natu secundo progenito
Baroni Airthensi.

Primum in Belgio per Annos XLII.
Dein in Anglia pro Tribuno Regio.
Viro cum strenuo tum pientissimo.
Aelatis anno LVI. vitague simul defuncto.
A.D. XVII. Kal. Oct. ob. CIↃ, LIC. XLII.
G. Lauderus, affinis, M.P.

The modern French house of Bruce is derived from the Sir John Bruce of Airth who married Elizabeth Menteith and was murdered by his wife's relatives. Besides the son who succeed-

ed him he had a second son, Thomas Bruce, who married Elizabeth Auchmoutie. Adam Bruce of Waltown, great-grandson of the preceding Thomas Bruce, lord of Labertsheilles and Woodsyd, went to France in 1633 and established himself there. He married Eve Marie de Hermant and founded the house of the Counts Bruce in France, which has been noted in the history of that country.

Louis Daniel, count de Bruce, seigneur de Montlerard, great-grandson of Adam Bruce, was the first of the family who entered the service of the king of France. He married Harriette Dieudonnee de Montague, daughter of the Marquis de Montaigue. Charles Hector, count de Bruce, grandson of the preceding, was the head of the house in the nineteenth century. He was a chevalier of Malta, a chevalier of St. Louis, and a chevalier of the Legion of Honor. He was born in 1772. He married in 1820 Fanny de Chamont, daughter of the chevalier de Chamont.

Descendants of the Bruces of Airth were also established in Prussia and Russia. A brief account of these Bruces and their families was given in a memoir written by Peter Henry Bruce and published in 1782. During the troublous times of the Protectorate two cousins of this house, John Bruce and James Bruce, determined to leave their native country and seek fortune abroad. John Bruce went to Berlin and entered the service of the elector of Brandenburg. In time he rose to the command of a regiment and had large grants of land whereon he built the villages of Brucenwold and Jetkensdorf. His wife was of the family of Arensdorf. His eldest son, Charles Bruce, was killed at the siege of Namur.

James Bruce, youngest son of this John Bruce, married Elizabeth Catherine Detring of Detring castle, Westphalia. He was a lieutenant in a Scotch regiment commanded by the earl of Leven in the service of Brandenburg. Peter Henry Bruce, son of the preceding James Bruce, was educated in Scotland and then served in the Prussian army and afterwards in that of Russia. In 1714 he received his commission as captain in the artillery and engineers of the Russian army. After nearly twenty years he returned to Scotland, married and settled upon a small estate

near Cupar. About 1740 he entered the service of the English as an engineer and was employed in refortifying Providence, one of the Bahama Islands, and in making surveys for the fortification of Charleston, S. C. During the last six months of 1745 he took part in the military operations about Hull, Newcastle, and elsewhere on the occasion of Prince Charles Edward's invasion of Scotland. Thereafter he retired to his farm where he died in 1747.

James Bruce who also left Scotland in the time of Cromwell went to Russia. There he settled and married, and his descendants became numerous and powerful. General Robert Bruce, grandson of this pioneer, was of the Russian ordinance service in the time of Peter the Great. He was a knight of four orders, St. Andrew, The White Eagle, The Black Eagle, and The Elephant. When the Czar was honored by his senate with the titles of Peter the Great and Emperor of all the Russias, General Bruce was made a count of the empire and received ten thousand roubles. At the coronation of the empress Count Bruce carried the crown and the Countess Bruce was one of the four train bearers.

(*To be Continued.*)

THE QUESTION OF EQUALLY DIVIDED COURT OPINIONS

THE subjoined correspondence, both letters evidently pertaining to the same matter, was found by the writer among the private papers of the late ex-Senator James R. Doolittle, of Wisconsin. They are interesting as showing the kindly spirit of Justice Field, of the supreme court, and the loyal concern of Judge Doolittle in the affairs of his client. They also show how vexatious it is to suffer a technical defeat in contested matters by the opinion of an equally divided court DUANE MOWRY.

CHICAGO, Feb. 21, 1872.

HON. DAVID DAVIS.

Dear Sir: I learn from the newspapers that in the case of Wright vs. Fullerton there has been a technical affirmance of the decree by an equally divided court. If I were there I suppose it would be proper for me to inquire *which of the judges followed affirmance, and upon what grounds?*

I have an idea that upon one point, upon which they may have voted for affirmance, I may not have brought their attention clearly to our peculiar statute of limitations and to a fact which it seems to me is conclusive under it.

Indeed in the argument of the case I regarded the question whether the transaction created the relation of debtor & creditor, & mortgagor & mortgagee, coupled with a trust as the controlling one, and that if I satisfied the judgment of the Court upon that, I had no other substantial difficulty to meet. Of course no one can judge for another. But I did feel confident that I established that relation beyond any reasonable question. If I did not and the four judges who voted for affirmance are of opinion that it was a conditional sale, and without the equity of redemption, I can hardly entertain a hope of any re-hearing.

But if they agreed with their brethern that there was an equity of redemption, but that we must fail from the statute of limitations—a point strongly insisted upon by Mr. Beckwith, and which as I remember, I did not present as I ought, I am not without strong hope that upon a suggestion from one of their brethren of the view which I did not bring out, and which I think is peculiar to the statute of Illinois, they may order a re-argument of their own motion. I do not refer to the points I did discuss, and which, it would not be respectful to those Judges to suggest they had not fully considered; because I think the points I did discuss were fully apprehended.

But I refer to a view of the statute of limitations which I did not bring out to the attention of the Judges, and which without being brought out from its peculiarity and its bearing upon an undisputed fact in the case might be overlooked.

In short it is this. The defendant Fullerton in his answer which sets up the sixteen year statute of limitations states the fact, (page 14, fol 49) that on the 10 of Sept. 1841, he sold *not the undivided half*, but the whole of NW. 1-4 NW 1-4 S. 32 T. 38. R 14 E. 3. P.M. to Ellen Lee and others, and in his testimony page 53, fol 174, he states the consideration his own indebtedness. This was five or six years before Fullerton claims to have paid a dollar on his indebtedness jointly with Wright and others. Now by the extinguishment of that indebtedness to Lee, which was his own—whatever might have been the amount realized, Fullerton became liable to an action on his covenant in the name of Shepard for the use of Wright, for half the proceeds.

I admit if it was a conditional sale, and payment of the notes, by the day was necessary to save the rights of Shepard's assignee and continue any validity in the contract—a question might be raised. But assuming that it was a security and that the instrument as the covenant of the parties had any validity, the obligation of the defendant to account for the sale Sept. 10, 1841, was perfect, no statute having run against it at that time.

But the more important question is, Had it run against it when the suit was commenced Aug 22, 1856? From Sept 10, 1841, to Aug 22, 1856, is not quite fifteen years.

Now the statute of Illinois provides, that actions of "*debt*" or

"*covenant*" founded upon a *written obligation* for the direct payment of money, or for the *performance of covenants,* shall be commenced within 16 years, &c., &c., after the cause of action accrues, &c., &c.

But in this case of the sale spoken of in Sept. 1841, it was a new liability or rather a new exercise of the power of sale by Fullerton reserved under the covenant and a new right to recover by Shephard's assignee of one half of the proceeds of that sale. The right of action *then* accrued, and not till then for these proceeds.

I cannot think it probable, even, if possible, that any of the judges would have held, if one suit had been brought Sept 11th 1841, that we would have been barred by any statute. And if we had a right of action at law *then,* we certainly had for sixteen years afterwards, more than a year after we brought this suit.

I confess my dear sir I cannot see this otherwise, and as my sense of justice looks always with expectation that it will be realized, I am not without strong hopes that if this should occur to these gentlemen upon the bench who were in favor of affirmance they would, of their own motion, direct, a re-argument at this term, or let it stand over to the next. If this case must stand in the end upon the judgment of the Circuit Court here how much I wish it could be heard before the full Circuit Court.

With great respect

J. R. Doolittle.

Washington, Feb. 21, 1872.

Hon. James R. Doolittle:

My dear Sir:—Your letter of the 16th I received on Monday, and I hardly know what to write you in reply. I can readily understand your annoyance at a decision by a divided court. I think I hear you say any other decision would be better than that. To win so nearly and yet to lose so entirely, and without hearing the grounds of the decision, is enough to test the virtue of christian resignation, if one has it.

Of course, you are (at) liberty to file a petition for a rehearing, but under the rules controlling such petitions its fate will

depend upon those whose vote was for affirmance of the judgment, as that result followed from the equal decision among the judges. If any one of those should be convinced by the argument in your petition, a rehearing would be granted, of course, otherwise not. Those who voted for a reversal of the judgment will have no voice on the petition.

A case from Chicago, in which Mr. Fuller was counsel, was affirmed at the present term by a divided court, and a petition for rehearing filed by him is now in the hands of one of the judges under consideration.

You are quite right in supposing that the statute of limitations was the point of difficulty in the case.

Please present my kind regards to Mrs. Doolittle and to Miss Sarah and Miss Mary, and believe me to be always your friend and obedient servant,

Stephen J. Field.



INCREASE MATHER,
MINISTER OF THE NORTH CHURCH, BOSTON

In the latter end of June, a Vessel from Mount Hope arrived here, which brought your Declaration of *April 18.* with an account of the Revolution in *New England.* The week after I went to *Hampton Court,* and had the favour to wait on *His Majesty,* who told me, *That He did accept of, and was well pleased with what was done in New-England, and that he would order the Secretary of State to signify so much, and that His Subjects there should have their Ancient Rights and Priviledges restored to them.*

The King has sent a Gracious Letter (which was delivered to me, and if I return not my self, I shall take care that it be sent to you) bearing Date *August* 12. *Wherein He signifies His Royal Approbation* of what has been done at *Boston,* and assures you that the Government there shall be settled, so as shall be for the Security and Satisfaction of His Subjects in that Colony, and in the mean time bids you go on to Administer the Laws, and manage the Government, according as in your Address you have Petitioned.

My Lord *Mordent* (now Earl of *Monmouth*) bade me assure you that He would be your Friend, and he bade me tell you from him, *That your charters should be restored to you by Act of Parliament.*

I have been with the King's most Honourable Privy Council, who have promised to befriend *New-England* as there shall be occasion for it. The like I may say, of all the *Leading*-men in the Parliament.

I have been in the *Downs* a fortnight, and Abroad Mr. *Clark,* several Nights, but the Wind has been against us. And we now hear that the *New-found-Land* Convoyer (on whose Assistance we had a Dependance) are gone.

Superscribed To the Honourable
Simon Bradstreet, *Esq.*
Governour of the *Massachusets Colony* in *N-England.*

sheet printed on one side, the paper page being 8 by 14½ inches and the type page 7 by 12 inches. It is made up in two columns and contains extracts from two letters written by the Reverend Increase Mather from England, where he then was engaged in business relating to the new charter of the Massachusetts Bay Colony. In addition there is also an extract from the London Public News-Letter. A solitary specimen of this publication exists in the Massachusetts Archives, volume 35, page 83, at the State House, Boston. A reprint was published in the New Hampshire Historical Society's Collections for 1866 and there is a facsimile reproduction in Samuel Abbott Green's "Ten Fac-Simile Reproductions Relating to Various Subjects," published in Boston in 1903.

A Passage extracted from the publick News-Letter, Dated July 6. 1689.

THE people of *New-England* having made a thorow Revolution, and secured the publick Criminals. On Thursday last, the Reverend and Learned Mr. *Mather*, President of the *College*, and Minister of *Boston*, waited on the King; and in a most Excellent Speech laid before His Majesty, the State of that People; saying, *That they were sober, and Industrious, and fit for Martial Service; and all with their Lives and Interests were at His Majesties Command, to tender the same unto His Majesty: That they desired nothing but His Majesties Acceptance of what they had done, and His Protection; and that if His Majesty pleased to encourage and Commission them, He might easily be Emperour of America.* His Majesty assured him, that He was pleased with what was done for Him, and for themselves in the Revolution, and that their Priviledges and Religion should be secured unto them.

Extracted from a Letter of Mr. Mather, to his *Son, Dated* Sept. 2. 1689.

On July 4. The King said unto me, *That He did kindly Accept of what was done in* Boston. *And that His Subjects in* New-England *should have their Ancient Rights and Priviledges Restored and Confirmed unto them.* Yea, He told me, *That if it were in his power to cause it to be done it should be done,* and bade me rest assured of it.

The *Charter-Bill* is not finished, because some Additional Clauses respecting Corporations here in *England* caused a Debate; and the Parliament is for some weeks Adjourned.

Besides the Letter from the Kings Majesty, whereof we have notice as above; there is now arrived, an Order from His Majesty to the Government, bearing date, *July* 30, 1689.

Requiring, *That Sir* Edmund Andross, Edward Randolph, *and others, that have been Seized by the people of* Boston, *and shall be at the Receipt of these Commands, Detained there, under Confinement, be sent on Board the first Ship, bound to* England, *to answer what may be objected against them.*

THE LAWS & ACTS OF THE General Assembly FOR Their Majesties Province OF NEW-YORK,

As they were Enacted in divers Sessions, the first of which began *April*, the 9th, *Annoq; Domini*, 1691.

At *New-York*,

Printed and Sold by *William Bradford*, Printer to their Majesties, King *William* & Queen *Mary*, 1694

PRINTING IN NEW YORK IN THE SEVENTEENTH CENTURY

BY CHARLES R. HILDEBURN

TO New York belongs the honor of being the first English colony in America to give governmental encouragement to the printer's art. In all the four other colonies in which the printing press was set up prior to its establishment in New York, the printers, far from receiving government aid, were soon called upon to answer for some infringement—real or fancied—of the dignity of the provincial authorities. In Virginia, the first English press south of Masachusetts was suppressed in 1682,[1] and if, as is supposed, the Virginia printer was William Nuthead, he fared but little better on his removal to St. Mary's in Maryland. In 1643 Stephen Daye, Massachusetts' first printer, was put under £100 bonds by the general court.[2] Of Pennsylvania we shall speak later.

Dr. Moore[3] has called attention to a small volume entitled "An Arrow against Idolatry," by Henry Ainsworth, which bears the fictitious imprint of "Novi Belgia, 1640," as well as the fact that Francis Lovelace, the second English governor of New York, "soon ofter he assumed the government in 1668, manifested his desire for having a printer in the province by sending for one to New England; but he does not appear to have been successful in his application."[4] The first step towards success was in the passage of the following resolution by the provincial council:

"March 23, 1693. Resolved in Council, That if a Printer will come and settle in the city of New York for the printing of our

1. Henning, Vol. 2, p. 518.
2. Thomas, Vol. 1, p. 43. Albany, 1874.
3. "Historical Notes on the Introduction of Printing into New York, 1693," by George H. Moore, LL.D. Printed for the author. New York: 1888.
4. "Historical Notes," p. 5, and "An Address delivered at the Celebration by the New York Historical Society of the Two Hundredth Birthday of William Bradford," by John William Wallace, Albany, 1863, p. 62.

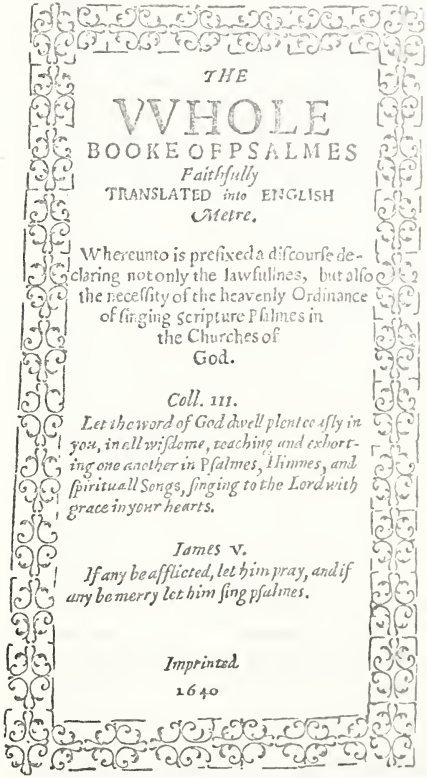
Acts of Assembly and Publick Papers, he shall be allowed the sum of £40 current money of New York per annum for his salary and have the benefit of his printing besides what serves the publick."[5]

This offer met with a ready response from William Bradford, who for eight years had been engaged as printer and bookseller in Philadelphia. William Bradford, the founder of the press in the middle colonies was the son of William and Ann Bradford, of the parish of Barwell, in the County of Leicester, England. He was born there May 30, 1663 and baptized the same day by the rector of the parish. His father died in 1668, and his mother in 1683; both were buried in the churchyard of Barwell. He was apprenticed to Andrew Sowle, of London, the principal Quaker printer and bookseller of his day. Bradford remained with Sowle until 1685, and during this time became a Quaker, but whether the influence of his master or his master's daughter Elizabeth, whom he married in London on April 28, 1685, was most potent in bringing about his "convincement," is now hard to say. It has been asserted that he was one of Penn's company on the Welcome. It is not only unlikely that it was our printer, as he was not then out of his apprenticeship, and there is no record of his having obtained a certificate of removal from the London meeting prior to 1685, but is directly at variance with the tone of George Fox's letter of six month, 1685,[6] commending him to "Friends" in Pennsylvania and elsewhere. The companion of Penn on his first voyage to America was beyond a doubt another William Bradford, who settled and became a man of some local importance in Sussex County, now part of Delaware.

William Penn returned to England in 1684, and it may be inferred from Bradford's statements in 1689[7] that he held out inducements to the young printer which led him to emigrate to Pennsylvania. Bradford obtained from the London meeting a certificate of removal for himself and wife, dated August 12,

5. "Council Minutes," Vol. 6, 182.
6. Wallace's "Address," p. 24.
7. Wallace's Address, p. 50.

1685, which was read to the quarterly meeting in Philadelphia on January 4, following. His arrival here is thus shown to have been some time between the October and January quarterly meetings. His printing office and residence appear to have


THE
WHOLE
BOOKE OF PSALMES
Faithfully
TRANSLATED *into* ENGLISH
Metre.

Whereunto is prefixed a discourse declaring not only the lawfulnes, but also the necessity of the heavenly Ordinance of singing Scripture Psalmes in the Churches of God.

Coll. III.
Let the word of God dwell plentee fully in you, in all wisdome, teaching and exhorting one another in Psalmes, Himnes, and Spirituall Songs, singing to the Lord with grace in your hearts.

Iames V.
If any be afflicted, let him pray, and if any be merry let him sing psalmes.

Imprinted
1640

been first in Philadelphia, then in Oxford township, Philadelphia County, from whence he seems to have removed his office back to Philadelphia in 1688, adding to it a book store, and keeping it there but residing in Oxford township during the remainder of his stay in Pennsylvania.

His first publication was "Kalendarium Pennsilvaniense, or America's Messinger; Being an Almanack for the Year of Grace 1686." This brought him a summons before the governor and council, for referring to the proprietary, in the table of chronology, as "Lord Penn;" and, on his appearance, he was ordered to blot out the objectionable title, and forbidden to print anything without license from the provincial council.[8] In 1687 he was cautioned by the Philadelphia meeting not to print anything touching the Quakers without its approval. Two years later he was again called before the governor and council — this time for printing the charter of the province. The spirited report, in his own handwriting, of his examination on this occasion is now preserved in the collection of the New York Historical Society.[9] Disappointed at the non-fulfilment of Penn's promise of the government printing and the failure of his scheme for printing an English Bible, which, although indorsed by the meeting, found few subscribers; and harassed by both the civil and religious authorities, Bradford determined to leave the province. Having transferred his press to his "assignes," and in July obtained the customary certificate of removal, he and his family returned to England.[10] But the Quakers were loath to spare him. At the yearly meeting, held in September, it was "agreed to grant him, besides all the business which they could throw in his way, a yearly salary of £40.[11] The sum offered induced Bradford to return; and next year he was one of the founders of the first paper-mill in America.

Early in 1692 he asked for and received a release from his contract with the meeting, no doubt wishing to feel entirely free to support George Keith in his struggle against the Unitarian tendency then prevalent among the Quakers in America. As the quarrel grew more and more violent he became one of Keith's most active supporters; and in August, on the appearance of Keith's "Appeal from the Twenty-eight Judges," some of his type was seized, and he and others were arrested and imprisoned.

8. Colonial Records, 1: 165.
9. It is given full in Wallace's "Address," pp. 49-52.
10. The birth of his son Isaac is recorded in London in 1689.
11. Wallace's "Address," p. 53.

The account of the trial,[12] which took place in the following December, probably written by Bradford or Thomas Budd,[13] was printed by him soon after his removal to New York; and from it we learn that:

"On the soil of Pennsylvania, the father of our press asserted, in 1692, with a precision not since surpassed, a principle in the law of libel hardly then conceived anywhere, but which now protects every publication in much of our Union—a principle which English judges, after the struggles of the great Whig chief justice and chancellor, Lord Camden, through his whole career, and of the brilliant declaimer, Mr. Erskine, were unable to reach, and which, at a later day, became finally established in England only by the enactment of Mr. Fox's libel bill in parliament itself."[14]

The jury disagreed, and Bradford was held for appearance at the next court. In the mean time the dissensions in the province aroused by the Keithian schism had led to the abrogation of Penn's charter by the crown, and the appointment of Benjamin Fletcher to be royal governor of Pennsylvania as well as of New York. No further action was taken in the Bradford case before the arrival of the new governor, except the issuance of a writ under which "the Sheriff took Goods out of the Shop of Wil. Bradford half as much more as the said Warrant was for."[15] One of Fletcher's first acts on reaching Philadelphia was, upon Bradford's petition, to order the restoration of his types and other goods.

Bradford's first warrant for his salary as "Printer to King William and Queen Mary, at the City of New York," was dated October 12, 1693, and was for six months, due on the 10th pre-

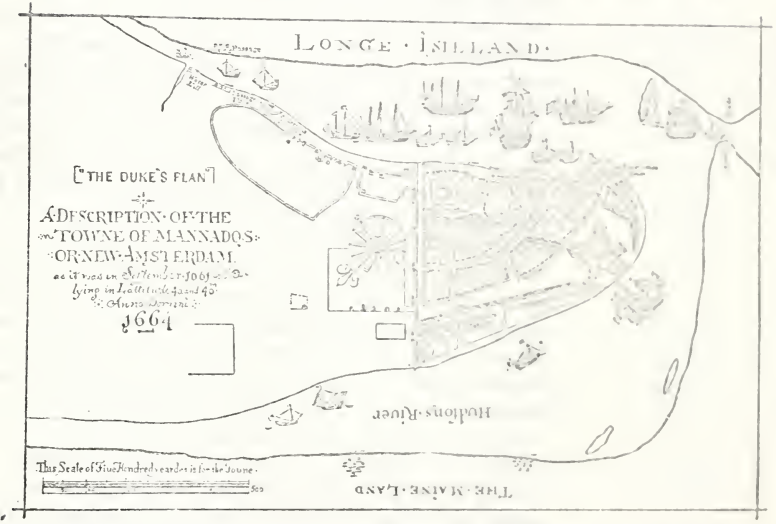
12. "New England's Spirit of Persecution Transmitted to Pennsilvania."

13. While Keith was before the London yearly meeting, May 28 to June 11, 1694, "Inquiry was made in this Meeting who was the owner and author of it (i. e. 'New England's Spirit of Persecution'), and G. Keith disowned it to be his, but he owned that part of it which concerned his trial; and T. Budd said he was not willing to discover the author's name." "True Account of the Proceedings, etc., of the Yearly Meeting begun in London on the 28th of 3d month, 1694," by Robert Hanney, London, 1694, p. 6.

14. Wallace's "Address," p. 56.

15. "New England's Spirit of Persecution," pp. 3, 4.

ceding, thus showing that upon the 10th of April, 1693, he had complied with the terms of the resolution of the council passed in the previous March, and introduced the art and mystery of his craft into New York.[16] What was the first product of his press is a matter of doubt. It may have been, as Dr. Moore suggests, the "Journal of the Late Actions of the French at Canada,"[17] or "New England's Spirit of Persecution Transmitted to Pennsilvania," or the "Act of Assembly" noticed later. The



first of these is certainly among the very earliest issues of the New York press, as the London edition was licensed on September 11, 1693, while the license for the reprint of the second bears date of October 19, 1693. It has been argued that "New England's Spirit of Persecution" was printed before Bradford left Philadelphia, because he omitted his name from the imprint, but he made the same omission in Keith's "Truth Advanced," which was not published until nearly a year after his settlement

16. Wallace's "Address," p. 63.
17. "Historical Notes," pp. 16-18, New York, 1888.

in New York, and also in Maule's "Truth Held Forth," which was not printed till 1695; this argument is therefore of no weight.

On the other hand, it must be remembered that the year in Pennsylvania then began by law on March 1,[18] and anything printed prior to that day would have been dated 1692. The title-page of "New England's Spirit" says "Printed in the Year 1693;" and as we have already said the tract is a report of Bradford's trial at the December term of the court of quarter sessions. The last leaf of the tract contains an account of his appearance at the next court, which was not held until March, 1692-1693, and it could not therefore have been written till after the first week of that month; and as he certainly issued two, and probably three small works in Philadelphia during the brief portion of 1693 he remained there, and his office was still crippled by seizure made in the preceding September, he could hardly have got out this tract before his removal to New York.

Besides the two pamphlets just mentioned, three separately printed acts of the New York assembly, passed in 1692 and 1693, and an ordinance establishing courts, passed in 1691, are of uncertain priority. The coincidence of the date of one of the former, "An Act for raising six Thousand Pound for the payment of three Hundred Volunteers and their Officers to be employed in the Reinforcement of the Frontiers of this Province at Albany," etc., passed April 10, 1693, with the commencement of Bradford's term of office, suggests the probability of its having been the very first print of his press in New York. Lancaster's "Queries to the Quakers" and the "New England Primer," of which only fragments have been preserved, also hold uncertain positions as to their order of appearance among the publications of this year.

The order in which the remaining known issues of Bradford's press appeared during its first year must be nearly as follows: An Act for the Assembly of Pennsylvania levying a tax for the support of the government, passed June 2; Fletcher's Proclamation granting license to Warner Wessells and Antie Christians to collect money for the redemption of their relatives from slavery in Salee, dated June 8th; a translation of the same in Dutch;

18. "Charter and Laws of Pennsylvania, 1682-1700," p. 116, Harrisburg, 1879.

A Proclamation in regard to erecting Fire Beacons to give warning of invasions from Canada, dated August 25th; A Catalogue of Fees, after September 20th; An Exhortation and Caution to Friends Concerning the buying or keeping of Negroes,[19] after October 13th; An Account of Several Passages and Letters between his Excellency Benjamin Fletcher, etc., And the present Administrators of the Laws in the Colony of Connecticut, after October; A Proclamation urging the people of Connecticut to yield obedience to their Majesties Commission to Fletcher to be Governor of that colony, dated November 8th; A Proclamation relative to deserters from the army and navy and travellers and others without passes, dated November 13th; and Leeds' Almanac for 1694. The imprint of the last is dated 1694, but it was, no doubt, issued, as was usual with like publications, late in 1693.[20] Bradford maintained to the end of his career this practice of dating the imprint of almanacs published by him with the year for which they were to serve, while the advertisements in his newspapers show that they were generally on sale about October of the preceding year.

The almanac for 1694 announced Keith's "Truth Advanced" as "now in the Press," and the speedy printing of the Laws of the Province. The former small quarto volume of two hundred and twenty-four pages was, with the exception of Maule's "Truth Held Forth,"[21] the largest work printed by Bradford at

19. This was the first protest against slavery printed in America. It was issued by the Keithian Quaker meeting in Philadelphia, and was reprinted in the "Pennsylvania Magazine of History and Biography for 1889," from the only known copy, now in the library of Devonshire meeting-house, London.

20. In 1863 the two hundredth anniversary of the birth of William Bradford, "who, first of all men in America, asserted, and maintained to his end, the liberty of unlicensed printing," was appropriately celebrated by the New York Historical Society, the principal feature of the occasion being an admirable address delivered by the late John William Wallace of Philadelphia, one of Bradford's descendants, and for many years the honored President of the Pennsylvania Historical Society. The two-hundredth anniversary of the introduction of the printing press in New York city was also suitably commemorated, in 1893, by the New York Historical Society.

21. Thomas Maule was born in Warwickshire, England, 1645, and died in Salem, Mass., in 1724. In his religious faith he was a Quaker. He was in many respects a remarkable person, and without the possibility of contradiction, a staunch defender of his religious opinions, a troublesome man to the authorities of the Massachusetts Colony, and a thorn in the side of Cotton Mather. He was the author of several works, three of which were printed by William Bradford in New York before 1701. The work is believed to be the earliest and "the most considerable monument of typography in New York previous to 1700." The following is its title:

one time prior to 1710. It was printed on paper made in the Rittenhouse mill, of which Bradford was part owner, and in the water mark of some of the sheets can be seen the name of the manufacturer. The Hebrew letters which occur in its pages made the compiler of the Brinley catalogue skeptical as to its having come from Bradford's press, because he had "not found them in any other volume printed by him." But they are to be seen on page 8 of "New England's Spirit of Persecution." The historical importance, rarity, and, of late years, the high price commanded by the

"Laws and Acts of the General Assembly of their Majesties Province of New York, As they were enacted in divers Sessions the first of which began April the 9th, Anno Domini, 1691. At New York, Printed and Sold by William Bradford, 1694."

have made it the most famous of all of Bradford's publications. As originally issued it consisted of eighty-four small folio pages, to which were added the "Catalogue of Fees" and the three separately issued acts printed in 1693, making one hundred and twelve pages in all. To this Bradford continued

"Truth Held Forth and maintained According to the Testimony of the holy Prophets, Christ and his Apostles recorded in the holy Scriptures. With some Account of the Judgements of the Lord lately inflicted upon New England by Witchcraft. To which is added Something concerning the Fall of Adam, his state in the Fall and the way of Restoration to God again, With many other Weighty things necessary for People to Weigh and consider." Printed by W. Bradford. Quarto, pp. VIII and 260.

On December 12, 1695, the Massachusetts authorities issued to the sheriff of Essex County a warrant for the arrest of Thomas Maule of Salem, for printing and publishing without license of authority this book. The return of the warrant by George Corwin, the sheriff, was made on December 14, 1695, and states that he had seized said Maule and thirty-one copies of the work. Maule was confined in the jail in Salem, and the books burned by the public executioner. In his second work, also printed by William Bradford in New York in 1697, entitled "New England Persecutors Mauld With their own Weapons," etc., which gives an account of this trial in Boston, he states, page 61, that his "Copy (manuscript of the work) is in another government in the hands of the printer." In Judge Sewall's Diary, published by the Massachusetts Historical Society in 1878, Vol. I, page 416, it is said, under date December 16, 1695, that "Thomas Maule Shopkeeper of Salem is brought before the council for printing and publishing a quarto of 260 pages entitled 'Truth held forth and maintained'—owns the book but will not own all till sees his copy which is at N. York with—Bradford who printed it. Saith he writt to the Governour of New York before he could get it printed. Book is ordered to be burnt," etc. Chapter XXIX of "Truth Held Forth and maintained" is a masterly expose of the Salem witchcraft delusion, and is, so far as at present known, the earliest printed refutation extant. Perhaps the most perfect copy of this extremely rare work, and from which the fac-similes were made, is in the library of Dr. Samuel S. Purple of New York. The few copies of this book of which we have any knowledge lack the title-page.

to add the acts passed by successive assemblies down to 1709, and so carelessly was the work performed that it has resulted in a bibliographical puzzle which no one has yet thoroughly mastered. Of the seven copies known to exist no two are exactly alike in their contents and pagination. Mr. Binley's copy sold in 1880 for $1,600; Mr. Vanderpool's in 1888 for $1,450; and in 1889 a copy lacking the title-page was sold privately for $1,750; all these of course contained more or less of the laws added between 1694 and 1710. Bradford also printed in 1694 the first edition of the "Charter and Laws of the City of New York," but no copy is now known to be extant. In 1695 he began printing the "Votes of Assembly," the earliest publication of the proceedings of an American legislature, and in consideration of this additional labor his salary was raised to £60. In 1696 he reprinted, with some alterations, an old French work—"Le Tresor des Consolations Divines et Humaines." The expense of the work was borne by Mr. A. Pintard,[22] in fulfilment of a vow made by him during a dangerous illness.

Among the publications in 1697 John Clap's "Almanac" for that year—the first almanac compiled in New York—of which Brinley's very imperfect copy sold for $420; Leeds' "News of a Trumpet" and Maule's "New England Persecutors Mauld" are the most important. "The Secretary's Guide," a text-book of practical forms and information compiled by Bradford himself, made its first appearance about 1698, and was frequently reprinted during the ensuing forty years. "A Letter from a Gentleman in the City of New York," a copy of which sold at the Barlow sale in 1889 for $320, and Francis Daniel Pastorius' "New Primer, or Methodical Directions to Attain the True Spelling, Reading, and Writing of English; whereunto are added some things Necessary * * * for those, who from foreign Countries and Nations come to settle among us," were also issued in 1698.

Except an almanac and the usual public documents, Leeds'

22. This gentleman was Antoine Pintard, a Huguenot native of Rochelle, who came to this country from France in 1685, and settled in Shrewsbury, New Jersey, where he and his wife are buried. He resided for many years in this city, and was the great-grandfather of John Pintard, one of the founders of the New York Historical Society.

SEVERAL

LAWS,
Orders & Ordinances

Eſtabliſhed by the

MAYOR,

Recorder, Alder-men and Aſſiſtants

OF THE

City of New-York,

Conven'd in Common-Council,

For the good Rule and Government of the Inhabitants of the ſaid City. And publiſhed this 28th Day of *March*, in the Mayoralty of *William Peartree*, Eſq; *Anno Domini* 1707

Printed and Sold by *William Bradford* at the Sign of the Bible in the City of *New-York*, 1707.

"Trumpet sounded out of the Wilderness" was the only work printed in 1699, which has been preserved. In 1700 Bradford published "A Hue and Cry against Errors," one of the endless number of tracts arising out of the Keithian controversy (the books by Leeds mentioned under 1697 and 1698 refer to the same subject), and Southwick's "Gospel Order Revived." The latter was an attack on Mather's "Order of Gospel," printed in Boston in the preceding year, and to the pamphlet was prefixed the following

"Advertisement. The Reader is desired to take Notice, that the Press in Boston is so much under the law (sic) of the Reverend Author whom we answer, and his Friends, that we could not obtain of the Printer there to print the following sheets, which is the only reason why we have sent the copy so far for its impression, and where is (sic) printed with some Difficulty."

Bradford seems to have considered the last seven words to cast an imputation on his professional skill, and caused them to be taken out of the form, so that in most of the known copies they do not appear.

Such is the record of the New York press in the seventeenth century, so far as has now been discovered. The recall of Fletcher in 1698 deprived Bradford of a staunch and influential friend, and with Lord Bellomont, the new governor, he soon quarreled, the climax being reached in 1700, when his salary was suspended. But the suspension was only temporary. Bellomont died, and in less than a year, by order of Lord Cornbury, Bellomont's successor, Bradford's salary was restored to him. The beginning of the new century found the press firmly established in New York, and the first printer entering on a long course of well-merited prosperity.

A TRADITION OF SIMON KENTON

BY EWING BEMAN

SIMON KENTON is said to have been the representative character had in mind by the author of that famous old border ballad, "The Hunters of Kentucky," when he describes them as "half horse, half alligator," alluding, however, only to their courage and invincibility, not at all to bad qualities, as they were a noble group of men. He was born and lived until manhood on the identical ground famous in modern years as Bull Run battlefield.

The one dramatic love episode of his early days shaped all his after career, and no doubt had much to do in forming his character. His playmate from infancy was a lovely little brown-eyed girl, a year younger than himself, daughter of a neighboring famer. They were child-lovers, engaged soon after reaching their teens, an early match, but not to be an early wedding, as their parents forbade their marriage until he was twenty-one. Kenton was a knightly fellow, of gigantic but symmetrical stature, and excelling in the accomplishments of that chivalric era and region. But "the course of true love never runs smooth." His betrothed had kindred in Alexandria, then the metropolitan city of that part of Virginia, and thither she went, the winter she was seventeen, to pass a few weeks in fashionable and aristocratic society. Her rare beauty and simple country manners attracted much attention and flattery from the Alexandrian beaux, and it is no wonder her young head was turned. She learned the invincible power of beauty, and came home with dreams of conquests.

Kenton had lost none of his noble qualities either of looks or character, but in his lack of fashionable garb and society airs, of course he compared unfavorably with the Alexandrian admirers. Whether he at first detected the change in her or not

is unknown; but he soon had his eyes opened, as the next summer there came out from the city, in all the regalia and style of his circle, that particular young man who had been most profuse and acceptable in his gallantries to her during her winter visit. Now began a series of maneuvers most significant to the parties interested. The city man and the maiden sat and walked and rode together incessantly. Kenton noted it with grim amazement, his fond, proud, outraged spirit chafing like a jealous lion. The country people watched the proceedings with pained curiosity, anticipating an explosion ere long that might be serious to somebody.

Days rolled away. At length Kenton, by his mother's advice, sought an interview with the girl. But he found her inaccessible, adroitly evading even his eyes, unless when she was attended by the Alexandrian gallant. What next should be done? Kenton accounted himself well-nigh as deeply wounded as if the girl were already his wife; and yet, in the eyes of law-abiding people, it would not do to proceed as if married.

As he frequently met the young men of the vicinity, his warm friends, they were not sparing of advice and suggestions of warlike nature, that being the fashion of the times; and when he seemed slow to appropriate their counsels, they taunted him with timidity in view of the stranger's reported prowess in the various arts of personal encounter. Even his own father said to him: "Simon, either give up the jade entirely and hold up your head, else show your mettle and drive the city fop out of the country. At any rate, act the man."

It would not be surprising if Simon had felt some hesitation respecting a personal encounter with the man, for his own age was but seventeen, while the other was nearly thirty, muscular, practiced in methods of combat, and of unquestionable courage, having given good evidence of it on several occasions. But young Kenton was unacquainted with fear. He was crushed by his disappointment and by the unmistakable fickleness of her whom he had deemed so faithful and faultless. As he stated afterwards, his slowness to act proceeded from his growing conviction that a woman so vain and changeable was not worth a fight.

But the storm broke at last. The young men of the vicinity made a harvest-home party for the express purpose of bringing Kenton and his rival together. It was held in a grove convenient to the homes of both Kenton and the girl, and every arrangement usual in those times was enlisted to secure an enjoyable occasion.

When the Alexandrian was invited he declined attendance on account of being a stranger to the whole company. But the messenger bearing the invitation was a man who would not flinch from saying whatever would accomplish his errand, and he exclaimed in a contemptuous manner:

"Ah! Are you afraid you may meet Simon Kenton there and have to settle accounts with him?"

This insinuation decided the high-mettled man, and he instantly replied:

"Kenton had nothing to do with my declining. However, if that is the way you view it, I'll be there, prepared to balance accounts with any comer."

Kenton also declined attending, but the hint that he feared to meet his rival touched his pride, and he declared his purpose to be present. The evening arrived and the whole country was on the ground, either as guests or spectators, drawn together by the expectation of something spicy between the two men. The night was favorable and the forest scene was entertaining indeed, lighted by hundreds of pitch-pine torches, enlivened by happy voices and the music of banjo and violin, and the dancers threading the sinuous forms of the old Virginia reel.

The stranger was present escorting Kenton's betrothed, and Kenton was there to see the two together. The girl was lovelier than ever, her color and gayety apparently heightened by the crisis, and as she danced with his rival figure after figure, displaying the same charming ways that had always fascinated Kenton, and which, hitherto, he had fondly deemed peculiarly his own by right of love and betrothal, the boy became fairly crazed with jealousy and despair.

Finally just before midnight, the negro musicians played a wild, minor kind of march, and the dancing changed for a time to a grand promenade. Now had arrived the opportunity de-

sired by the young country "bloods" who had originated the party; for, according to their view, it would be an everlasting disgrace to them all to allow the city gallant without opposition to win away the belle of the region from one of their number.

As the whole company was promenading round and round, to the sound of the weird tune, these fellows contrived to bring Kenton face to face with his rival and the girl. The throng was dense, and as they passed, Kenton's arm brushed her dress. She resented it with a motion and a word and instantly her escort halted, considering according to the code of the times, that "whatever affronted his lady was trebly an insult to himself." Kenton also stopped. The Alexandrian glared at him and exclaimed: "Young fellow! what do you want of this lady?" Kenton drew himself up to his full height, six feet four, and replied in a scornful tone, "Nothing! now that she has taken up with a fop like yourself."

Like a flash the stranger drew his sword, he being probably the only man on the grounds thus armed, as countrymen did not generally carry swords. But hardly was the blade out of the scabbard when Kenton sprang forward like a lion, clasped the man about the body, pinioning his arms and knocking the sword from his hand and raising him in the air as if he had been an infant, turned his head downward and feet upward and dashed him headlong upon the ground. Then stepping back he waited for him to rise. But as he moved not, several men came forward to assist him. They turned his face to the light and lo! his eyes were set, his features ghastly and his muscles relaxed.

Instantly one of the group turned to Simon and said:

"Kenton, his neck is broken. You've killed him."

A wild shriek rose on the air from the girl as she flung her hands above her head and fell in a swoon. A shudder passed through the company. Efforts were made to resuscitate the Alexandrian, and after several minutes, there appearing no sign of life, another man took Simon aside and said:

"Now Kenton, you've killed the man and no mistake. He has rich and powerful friends in Alexandria who'll push you hard by law. You don't want to go to jail, and so you'd better take to the woods. You're safe in the back country, but not here."

Kenton was not a hard young fellow. His heart was appalled at the fact that he had killed a man, and gladly would he have done anything in his power to recall the deed or make amendment for it. But the mention of jail struck the chord, so common in high-spirited men who cannot endure the shame of imprisonment; death is easier.

And turning his face to the westward, he plunged into the midnight darkness and the great woods, and fled for his safety. Nor did he stay his journey for many a day. Having not only lost his intended wife, but her very image in his heart being defaced by her faithlessness, and now fleeing as a culprit, while to his sensitive nature the dead man seemed calling for vengeance against him, he hastened on, resolved to make his home in the Kentucky wilderness. And true to this purpose, he joined Boone and his little band of hunters on the "dark and bloody ground," and gave his rare physical and mental abilities to the wild and perilous life of the borders.

Eleven years passed; pioneers were increasing beyond the mountains; every part of the east had representatives there. One day in 1782, as Kenton, in his canoe, coming down Licking river, rounded the last bend where it joins the Ohio, he saw a party of newcomers from the east just hauling their scow boat from the water, and apparently at a loss where to go or what to do next in that trackless region. Ever ready to render aid wherever needed, he joined them and volunteered to give them information concerning the country. After a long talk on matters of interest to them, he asked whence they came, and was answered "from Fauquier county, Virginia." He was startled by the reply. In all these years he had not heard from his native place; nor did he quite dare now to tell these men his name lest he should find himself already a renegade in their estimate. Reflecting, however, that they would not know him, he carefully smothered every sign of special interest in their section, and indifferently remarked that he had some general knowledge of a few families in old Virginia, and mentioned the name of one. The men gave him some information as to that family, and then he named another. Again they enlightened him, and again he

questioned, this time mentioning the Kenton family. The spokesman of the party replied:

"Well, the Kenton family have good blood, but of late they're very poor. Old man Kenton is far along in years, and his only boy ran away long ago. The young fellow had a love scrap and nearly killed a man from Alexandria, and then left. No doubt he thought the man quite killed and left to escape the law. But though he got well and married the girl, they never heard from young Kenton. It is generally believed he lost his life among the Indians."

During this recital concerning himself, Kenton's excitement, according to his own way of describing it, "raged like the Ohio in spring freshet." Calming his feelings as soon as possible, he said in the same quiet tone:

"Well, strangers, I've often heard of that same Simon Kenton out here on the borders, and the last time not very long ago."

This particularly aroused the strangers' interest, and they inquired further about him, declaring emphatically that nobody in Fauquier county condemned him, and that he need not hesitate to return at any time. At this Kenton arose, stretched his gigantic frame, drew a deep sigh of almost infinite relief, and exclaimed in a broken voice: "Well, gentlemen, I'm Simon Kenton, myself, and I'm almighty glad to hear from my old father and to know that I'm no murderer. Of the redskins and tories I haven't been so careful during late years; but that was lawful war. It does me a world of good to learn that my hands are clean of the blood of my own countryman."

Within a few days Kenton took his way eastward through the wilderness for Fauquier county, where in due time he arrived and was received as one arisen from the dead. In a few weeks he returned, his aged parents with him, for whom, until their death, he provided every comfort of the times and region.

ORIGIN AND ANTIQUITY OF HERALDRY

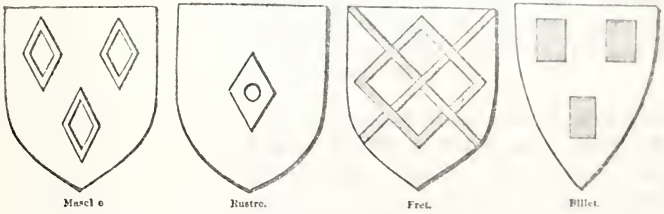
III

Continuation of the Description of the Sub-Ordinaries as They Are Applied to Coat Armor

BY HENRY WHITTEMORE

A Mascle is a lozenge, voided of the field; that is when the middle part of the lozenge is evacuate or cut out after a square form like a lozenge and so differs from rustre, which is pierced with a small round hole, it is called mascle or maile.

The mascle has been not only anciently but frequently carried in arms all over Europe. Heralds make it to represent first the eye or ring to fasten a coat of mail, and so a piece of armor fit for a military badge. Others, with Sir John Ferne, make it to represent the mesh of a net, signifying that the first assumers of it had been prudent and politic in military affairs.



Some mascles were granted by King William of England to William Roumare for his military conduct and bravery in the Holy Land against the Saracens. Sir George Mackenzie says that mascles look like mirrors, and upon that account are carried by the name of purvis, deriving the name from the French word *pourvoir,* to see.

Rustre. This is a lozenge pierced round in the middle so that the field appears through. It is called *rustre* by the French and by the Germans *rutten*, said to represent the button end of lances used in tiltings and tournaments.

The Fusil, (representing a kind of spindle used in spinning) resembles the lozenge in shape, but is somewhat longer. Nesbit says: "The fusil is another rhombular figure like the lozenge but more long than broad, and its upper and lower points are more acute and sharp than the two side points. When the field or any figure is filled with them, being erectd in pale they are then only blazoned fusilly; but when they are horizontally fusilly in fesse, or in bar, if diagonally to the left, in bend sinister; and when diagonally to the right, in bend."

The Fret is composed of six pieces, viz: two long ones in saltire, extending to the extremity of the field, and four pieces conjoined in the centre in the front of a mascle, interlaced or fritted by those in saltire.

"Fretted or fritty" says Nesbit, "is said when there are six, eight or more pieces, such as buttons, saltire ways, which fill the field, are so charged, the spaces of the field that are left by them, formed like lozenges, and the fritty resembles a grate, or lattice; but in this they differ, that the pieces of fritty are interchangably passing one over another and under the other, sometimes pale-ways, and bar-ways, and are always nailed at their points of meetings; whereas fritty is always bend-dexter, and bend-sinister ways."

Arms latticed differ from fritted ones, and are called by the French treille, or treilesse, from which the word tirlace for a lattice; these pieces which make it are not interlaid with one another as in the fritty, but tie straight upon the undermost, fixed with nails, which, if of a different tincture, are mentioned also in the blazon. Sir John Ferne says such arms were given to a French knight, and continued by his posterity, for taking Gundemarus, king of Burgundy, prisoner in battle; which arms he thus blazons, sable, a museon, (a cat) or, appert with a breillisse, gules, done argent.

When there are three or four or more figures, proper or natural, placed one over the other and under the other alternately,

then they are said to be fritted, as in the bearings of the surname of Tarbet, argent, three turbot fishes fritted proper, one fesse-ways looking to the sinistry, and two to the dexter chief and flank points.

Guttes are drops of things that are liquid either by nature or by art, and if they be yellow, they are called *gouttes d'or*, drops of liquid gold; when white, *gouttes del'eau*, or *larmes d'argent;* that is drops of water or tears, such as those with which they besprinkled funeral escutcheons and monuments, viz: the dead on the black field. Thus the members of the Order of St. Francis have for arms, *sable sane de larmes*, and a dove moving from the chief argent; the emblem of tone repentance, coming from the Holy Spirit, represented by the dove.

When they are not color they are called *gouttes de sang*, or drops of blood; when blue, *gouttes de larmes;* when green, *gouttes de vert* which represents the oil of olives; and when black, *gouttes de paix,* from the French word which signifies pitch; though sometimes they are called *gouttes de sable*. These guttes may be deposed as other figures in armories, two and one, and of more, the greatest numbers are in chief; and otherways are after the position of the ordinaries. If these drops exceed the number of ten and irregularly sprinkle the field or charge they are called gutte.

Mr. Biggin gives an ancient bearing of drops by one of the name of Drop, lord mayor of London in the year Edward IV, viz: argent, goutte de poix, in a chief gules, or, lion passant guardant, or, which arms, says he, were standing in Cornhill, London, 1666.

Bezants represent in armories pieces of gold or silver and have their name from the city of Byzantium, now called Constantinople, where such pieces were coined. Lewis Lejeune, as the French historians tell, on his return from the Holy Land, brought home a quantity of besants of gold, and made an offeratory of them; and ever since, the kings of France, in the solemnities of their coronations, make an offeratory of pieces of gold which they call besantines. The kings of England have also done the same, as Camden in his "Remains," says that King Edward III. caused to be coined of gold, called besantine to the

value of fifteen pounds; for such use, says he, there were two pieces of gold used at the coronation of the kings of England, which had on one side a resemblance of the Blessed Trinity, with the words, "In honorem Sanctae trenetates," and on the other side, the picture of the Virgin Mary, with the words, "In honorem Sancta Maria Virginis." And those pieces were used by the kings of England in their offeratories, at their coronations till the accession of King James to the English throne, who likewise caused two besants to be made for himself and the queen.

Torteaux. This is a round figure and always of one of the colors received in the science of heraldry, which color must be expressed in the blazon; as torteaux, green sable, etc.; but the English appropriate particular names to them, as they are variously colored, except to those of red color, which they call torteaux without naming the color.

Torteaux represents in armory cakes of bread called of old wastels, which heralds take to represent in armories cakes and wastels, and are so taken by the Spaniards, of which a Spanish herald says, speaking of his "First Book of the Nobles of Andalusia," who carry in their arms torteauxes; upon their account he says that one of the kings of Spain being about to give battle to the Moors, convened his principal captains and commanders to eat, telling them that so many cakes as they did eat, each of them would kill as many Moors, and after a memorable victory, considering how many cakes each had eaten, some five, eight or twelve, took as many torteauxs in their arms as added them to their ancient bearings, and this is the reason why so many torteauxs are carried in the arms of the nobles of Andalusia.

BLAZONRY OF ARMS.

Blazon, or Blason is the proper technical description of armorial bearings, according to the scientific rules of heraldry. Nesbit thus derives the origin of the word:

"When the knight came near the barriers where joustings were to be held, he blew and winded an horn or trumpet, which

gave advertisement to the heralds who were there attending to come forth, to receive his name, armorial bearing, and his other proofs of nobility, which, accordingly they performed, and recorded them in their books from which, it is said, came heraldry, or art of blazon, a German word, which signifies to wind a horn, now taken for a regular description of arms in their proper terms. Whence the German families have their helmets frequently adorned with several horns and trumpets to show how often they had justed in tournaments."

In blazoning a coat of arms brevity is to be observed, and tautology avoided; care being still taken to give a minute description of every bearing, its position, place on the shield, tincture, etc. Though the same metal, color or fur may occur more than once in a coat, the repetition of its name should scrupulously be guarded against, by describing the charge which happens to be of a tincture already mentioned as of the first, second or third, according to the relative position that tincture may hold in the blazon; for example, the arms of Preston of Furness Abbey, are: "argent two bars on a canton of the second cinquefoil or in this blazon the color of the canton is described "of the second," to obviate the repetition of the word gules.

The next rule to be observed is to begin the blazon with the description of the field, its tincture or tinctures and name then the partition lines, of any wherewith it is divided as per fesse, per pale, per saltaire, etc. The principle ordinary, if any, should next be described, with its tinctures, etc., and then the charges around it, generally giving the surcharges upon such ordinary, after those between which it is borne; the chief, canton, or any charge placed in a particular point of the shield, with its surcharges, if any, being generally blazoned last.

If a coat consists of two colors, only, it is blazoned, as in the arms of Kyrle of Hertfordshire, viz: "vert, a chevron between three fleurs-de-lis, or, which indicates that both the chevron and fleurs-de-lis are of the tincture or.

When the last mentioned charges, or bearing, is of the same tincture as that named immediately before it, and yet cannot be included under one word, it is necessary to describe it as "of the last": thus, in the arms of Dawson of Sutterby, argent two

pales sable, and a chevron gules on a canton of the last, a battle axe or of the last is used to prevent the repetition of gules.

If there be two sets of charges of equal number in any part of the shield, or one set of charges on an ordinary, between the same number of charges on the field, the repetition of the number must be avoided by describing the second set of charges by the words, "as many." Thus in the arms of Partridge of Breakspeares; gules, on a fess engrailed, cotised or, between three partridges rising, as many torteaux—the words "as many" prevents the repetition of the number "three" in this example.

When charges are borne without the interposition of the ordinaries, the exact position they occupy in the shield—fesse-ways, or in fesse, if in line across the field; paleways, or in pale, if perpendicularly, one over the other, and bendways, or in bend, if placed diagonally from the dexter chief to the sinister base,—must be described, as well as the attitude and tincture of such charges, as for example, Hackett of Hackettstown, Ireland; azure three lake fishes hauriant in fess argent on a chief of the second three shamrocks proper: in fess, denoting that the fishes are to be borne in a horizontal line across the field. Mauleverer of Armcliffe, county York, had: sable three greyhounds courant in pale argent collared or: in pale, signifying that the greyhounds are borne perpendicularly one above the other.

When the charges are three, whether with or without ordinaries, the usual way they are borne is two in chief and one in base, and this is understood without being mentioned; but if they be not so placed, or exceed the number three, their position must be specifically described according to the preceding rule, or if in horizontal rows of an equal or an unequal number, their number, etc., must be stated; the last remark, the arms of Langridge, or Langrich, will tend to elucidate, viz: argent six billets, three, two and one; implying that the six billets are borne in three rows, three in the uppermost, two in the second, and one in the lowest.


Rampant.


Passant.


Gardant.

Attitudes or Positions of Animals. When a lion or other beast of prey stands upright with only one eye seen, he is termed *rampant*: when walking forward, with one eye and ear seen, *passant*: when sitting *sejant;* when lying down, *couchant*. If in any of these positions the animal looks full face, so that both eyes and ears may be seen, the word *guardant* is annexed to *passant, rampant, sejant,* or *couchant,* as the case may be, and if he look back, the word *reguardant*. An animal is *saliant* when leaping forward bendways.


Statant.


Salient.


Couchant.


Coward.


Sejant rampant.

To griffins the term *segreant* is given in place of *rampant*.

Animals of the deer kind are otherwise blazoned. Thus, when looking full faced they are said to be *at gaze;* when standing, *statant;* when walking, *tripping;* when leaping forward, *springing;* when running, *courant,* and when at rest on the ground, *lodged.* A horse when running is blazoned *courant,* or in full speed; when leaping, *cabre, effray* or *saliant;* when rearing, *forcene.* Birds are blazoned, when standing with their wings down, *close;* when preparing to fly, *rising;* when flying, *volant;* when spread open with both wings stretched out, and their breasts seen, *displayed.* The wings open and against each other are called *indorsed.* One wing is a *demivol.* *Fishes* when placed horizontally are *naiant;* when perpendicularly, *hauriant;* when drawn in an arched form like the dolphin, they are *embowed.* When any living creature proceeds from the bottom of an ordinary, it is termed *issuant;* when placed over two colours, *jessant;* when coming from the middle of an ordinary or charge, so as to show but half the body and the tip of the tail, *naissant.* A serpent placed horizontally is said to be *gliding.*

Marshalling of Arms. Marshalling of arms is, strictly speaking, the proper arrangement in one shield, either by impaling or quartering of various coats. Guillim and Mackenzie define it to be "the conjoining of diverse coats in one shield."

Impaling is the halving or dimidiating anything by a perpendicular line. In heraldry it appears to the method of bearing the wife's arms and is practiced in three different ways: The first rule is, by dimidiating, that is by dividing palewise, the shields of the arms of both husband and wife, into two equal parts, and then uniting the dexter half of the husband's with the sinister half of the wife's, thus forming a whole shield. This mode is styled *acolee* in French, and was that adopted by the kings of France in impaling the arms of Navarre. The second rule is, dimidiating the husband's arms, and impaling those with the full shield of the wife. The third and present rule is, the impaling of the two whole coats, except when there happens to be a border round one or both of them. In that case, the portion of the border is omitted when the two shields unite. Heraldic authorities give three rules to be observed in impaling arms:

First—The husband's ensigns are always to be placed on the right side, as baron; and the wife's on the left, as femme.

Second—No husband can impale his wife's arms with his own, on a surcoat of arms, ensign or banner, but may use them impaled on anything else which is not applied to the public service.

Third—No husband, impaling his wife's arms with his own can surround the shield with the Order of the Garter, or with any other order; for, saith Sandford, "although the husband may give his equal half of her escutcheon, yet he cannot share his temporary order of knighthood with her except she be a sovereign of the order." This restriction is not allowed by Edmundson who argues that there is not a single article in all the statues of the order that debars the new made knight from continuing to impale, as he had done previously, his wife's arms. Some writers maintain that if a man have had two wives, he may impale the arms of both, on the sinister side; those of the first wife in chief, and those of the second, in base; others assert that he may place his own coat, in pale, and those of his two wives on the dexter and sinister side, but these positions, says another authority, are quite untenable. The intent of impaling is to show that the bearer is married to a woman of particular family; but, when by her death, the alliance is at an end, he ceases to use the ensigns of her family. Some instances occur of a widower continuing to impale the arms of his deceased wife, from a regard to her memory, but this practice does not accord with the laws of heraldry. The case differs, however, as regards a widow; whilst she remains such, she is obliged to bear the arms of her deceased husband. When the wife is an heiress or co-heiress, her husband, instead of impaling, bears her ensigns on a shield, in the centre of his own, styled an escutcheon of pretence.

Quartering. The practice of quartering arms is carried back by Edmundson to the commencement of the fourteenth century, at which period, according to that writer, John Hastings, second earl of Pembrooke, was the first subject in England to assume the quartered coat. The object of quartering arms, is to exhibit the descent of one family from the heiresses or co-heiresses of other families. Thus, the children of an heiress or co-

heiress, at her death, are entitled to quarter, with their paternal coat, her arms, and all arms to which she may have been entitled by descent. In marshalling quarterings, the first following the paternal coat is that of the earliest heiress, and then succeed any quarterings her descent may bring in; with the second heiress, the same rule is followed, and so on, in chronological rotation, with every heiress from whom the bearer may derive.

When a daughter becomes an heiress to her mother (also an heiress), and not to her father, which happens when the father marries a subsequent wife, and has by her male issue, to represent him, she is entitled to bear the maternal coat with the arms of her father, on a canton, taking all the quarterings to which her mother was, by descent, entitled. When married, she conveys the whole to be borne on an escutcheon of pretence and transmit them at her death to be borne as quarterings by her descendants.

The Appendages of the Shield. These include the helmet, mantling, wreath, crest, supporters, and motto. The helmet, helme, casque, or morion has varied in shape in different ages and countries. The most ancient form is the simplest, composed of iron of a shape fitted to the head, and flat upon the top, with an aperture for the light. This is styled the Norman helmet, and appears on very old seals, attached to the gorget, a separate piece of armor which covered the neck. In the twelfth century, a change was made to mark the rank of the individual bearer. The helmet assigned to kings and princes of the blood royal is full-faced, composed of gold, with the beauvoir divided by six projecting bars, and lined with crimson. The helmet of the nobility is of steel, with five bars of gold: it is placed on the shield inclining to a profile. The helmet of knights and baronets is the full-faced steel helmet, with the visor thrown back, and without bars. The helmet of esquires, always depicted in profile, is of steel, with the visor closed. Each of these helmets is placed immediately above the escutcheon, and supports the wreath on which is the crest.

The Lambrequin is the mantle or hood, placed on the head, between the helmet and crest and depicted flottant behind the

wearer. Its shape was most capricious, for, as it was probably cut through and jagged by the sword, in battle, it afforded a certain evidence of prowess.

The Mantle, or Mantling, was almost identical with the lambrequin, but it extended behind the escutcheon.

The Wreath upon which the crest is generally borne, is composed of two cords of silk interwoven or twisted together, the one tinctured of the principal metal, and the other of the principal color in the arms. The wreath, in ancient times was used to fasten the crest to the helmet. It is circular, but, when depicted is shown in profile or side view.

The Crest or Cognizance, (derived from the Latin word crista, a comb or tuft), originated in the thirteenth century, and served to distinguish the combatants in the battle or tournament; for this reason no crest is allowed to a female. The crest, unless expressly stated to be on a chapeau or coronet, is always on a wreath, which need not therefore be named in the blazon.

Supporters are figures placed on each side of the shield, and appear, as the term implies, to hold up and support it. Menestrier derives their origin from a practice at the tournaments. On those occasions it was customary for the knights who took part in the joustings to have their shields and devices hung before their pavilions, and guarded by their pages, armor bearers, and servants, clothed in fantastic dresses or skins of beasts, according to the fancy of their masters, sometimes as savages, Saracens, sirens, etc., and sometimes as lions, bears, dragons, etc.

In England, the right to bear supporters is confined to peers of the realm, knights of the Garter and Bath, and to those who may have obtained them by royal grant. The practice of the sovereigns of England granting supporters to the peers of each degree seems to have commenced in the reign of King Henry VIII. as did that of granting the like ornaments to the knights of the Garter and Bath. Garter king of arms has not the power to grant them to any person below the degree of knight of the Bath, unless acting under especial direction from the sovereign; but in Scotland, Lord Lion may, by virtue of his office do so without any such royal warrant.

In ancient times, many personages who held high offices in the state, used supporters, as did various eminent, though unennobled families, viz: the Stevinings of Sussex, the Stawells and Luttrells of Somersetshire, the Tichbornes and Pophams of Hants, the Fulfords of Devon, the Savages of Cheshire, the Trevanions of Cornwall, and others.

"Hence," says a learned heraldic writer, "it may justly be concluded that those families who anciently used such supporters, either on their seals, banners or monuments, and carried them in stone or wood, or depicted them on the glass windows of their mansions and in the churches, chapels, and religious houses of their foundation, endowment or patronage as perspicuous evidences and memorials of their having a possessory right to such supporters, are full and absolutely well entitled to bear them, and that no one of the descendants of such families ever ought to alienate such supporters, or bear their arms without them; because such possessory right is by far more honorable than any other modern grant of supporters that can be obtained from the office of arms."

In Scotland the right to supporters is universally conceded to the chiefs of the various clans; and were granted to the Nova Scotia baronets by their patents of creations. In Ireland they are borne by the heads of the different septs; and in Wales, the barons of Edeirnian in Merioneth who enjoyed baronial rights in their domains and had those rights acknowledged and confirmed, after the subjugation of their country, by special grants from the English monarchs—enjoyed for a long series of generations the use of supporters.

Differences, or Marks of Cadency, are the distinctions used to indicate the various branches or cadets of one family. The eldest son, during the lifetime of his father bears a label; the second, a crescent; the third, a mullet; the fourth, a martlet; the fifth, an annulet; the sixth, a fleur-de-lis; the seventh, a rose; the eighth, a cross moline; the ninth, a double quatefoil.

Origin and Uses of Natural and Artificial Figures. Under

this head are represented the natural and artificial, the animate and inanimate, which retain their own proper names and colors, classified under the name of common charges. Of old, only hieroglyphics, emblems and devices, the early seed of armories, were composed of such figures, for the most ancient in Europe are but old emblems and devices regulated into a form and used as fixed hereditary marks of honor to distinguish the nobles from the ignoble.

Heralds tell us that the good and commendable qualities of figures which form armorial bearings do not give preference to some bearings before others which have not figures of the like commendable qualities, but that all arms are of equal honor and dignity, the bearers being of equal dignity. And though some consideration be had of the natural qualities of figures, by the first obtainers of arms to represent the like virtues and good qualities in themselves, yet these figures being hereditary and descending to all the issue, they cannot be supposed to represent the like good qualities in all of them, and cannot be taken as a silent surname, or tessera of their noble descent from the assurers and obtainers of such arms, that being the main end of armories as before defined, hereditary marks of honor, regularly composed of tinctures and figures granted by sovereigns for distinguishing persons, families and communities. Notwithstanding which, there is dignity, descent regularly, and beauty in armories, proceeding from the quality of the bearings —the regular disposition of the figures in the field, and a certain number of them which gives preference and lustre to the arms so formed.

Some figures are of more honor than others and have precedency in an armorial sense though not universally yet in some certain places, as for instance the armorial figures of sovereigns. Thus the lion and double tressure are the most honorable figures that can be used in Scotland, because such compose the imperial ensign. In France they are not so honorable, for there the fleurs-de-lis have the precedency. In Sweden the crowns are preferable to the lilies; and in the empire the eagle is preferred to all other figures. These within their respective dominions and jurisdictions are to be considered as feudal arms,

being those of patrons, which the vassals and clients carry in imitation of their over-lords and patrons, may be reckoned preferable within their jurisdiction.

In commendation of armories it is said all creatures are presumed to be carried upon account of their noble and best qualities; as a lion for his magnanimity and not for his rapacious nature; a fox for his wit and cunning, and not on account of his pilfering and stealing. This, says Guillim "is the honor of a gentleman of coat armor (the first obtainer of arms) to have his virtues under these types, and to consider the commendable properties of such tokens as he bears, thereby manifesting to the world that he hath the like good qualities in himself."

It is evident that ravenous creatures ought to be represented in armories in their fiercest postures, as lions, boars, etc., *rampant*, that is, erected, because they are presumed to show their strength, etc. Other creatures that are not wild and ravenous, ought to be represented in their noblest postures, as a horse *salient*, a greyhound running, etc. Creatures that are remarkable for any posture ought to be carried in that position, as a lamb *passant*, because it is naturally simple, a serpent gliding, or circling in a knot, because remarkable for that posture.

All creatures that have fore and hind parts, ante and post, should be carried in armories looking to the right side of the shield; if to the left they are said to be *contourne*. When two animals are in one field they are always placed by the Germans, *affronte*, and look to one another, but not so by other nations.

Heralds tell us that when arms of subjects are set up, or painted near the place where the sovereign ones are, all the creatures in the arms of the subjects are to be turned looking to the sovereigns. When creatures are painted upon banners they must look to the staff; when upon caparison and other horse belongings they ought to look to the head of the horse or beast that bears them; and so of all things whose parts are distinguished by ante and post. The most commendable part of any creature in armories is the head; for that, say heralds, shows that the bearer feared not to stand before the face of his enemy.

Number is counted by some to be one of the elements of

armory, without which arms cannot be, for in them must be some number either of lines or tinctures or resemblance of things. Number (or rather things numbered in arms) is finite and indefinite; finite when number is certain, as one, two, three, or more; indefinite when number is uncertain in armories, as when they are sixteen and are irregularly situated. Number in blázon is said to be *sans nombre,* or *seme sans nombre* is said of figures when more than sixteen, and irregularly situate, and all entire within the shield; which the English call arms gerated, or powdered with such figures. The term *seme* more frequently used in blazon is thought to be brought from the Latin word seminaria, to sow, because then the figures are sown over the field as seed. Some bring the term *seme* from semi, half a thing, because the half part of some of the *seme* figures appears in the sides of the shield. And so *seme* differs from *sans nombre,* gerating or powdering; as the old arms of France, azure six fleurs-de-lis, or. And in the arms of the Durmonts, or seme of hearts gules, three lions passant guardant azure.

OF CELESTIAL FIGURES; THE SUN, MOON AND STARS, ETC.

The Sun, the chief of all the planets and celestial bodies is Latinized say some when it is seen alone in the heavens. When the sun is of metal, or, in blazon it is said to be proper, or in its splendor and glory; and it is always represented with rays and beams, whereof the one half are straight, being the beams; and the other, the rays, are crooked or waved, the number of them being ordinarily twelve to sixteen.

When the sun is represented in arms, if one of the colors in heraldry, it is called *ambre du soleir*—the shadow, or ray of the sun.

The family of Hedalgo, in Spain, had azure, the sun or, surrounded with stars of the same; and the body of the sun parted per pale, with the arms of Castile and Leon, because one of the family, grand master of the order of Calatrava, being at the siege of the castle of Vilohes in Spain, then in the hands of the Moors, was the first that mounted on the wall, and planted the standards of Castile and Leon, then in the presence of their kings.

The Moon, says Sylvester Petra Sancta, is never carried in arms full, but he gives no reason for such statement. In devices it has been used full, as in that of the dauphin of France, which had the full moon for the body and for the soul. Guillim says when we blazon by planets we name gold *sol;* and silver *lund;* and for a further distinction of it from the sun its rays are small, as the light of the moon is weak; the arms of John de Fontebras, accounted the sixth bishop of Ely, in England, azure, the sun in chief, and full moon in base within an orle of seven stars or.

The half moon is frequently in armories an ancient sign of honor with many nations. The Jewish priests as a sign of eminency had their tires and mitres after the form of a half moon: as the prophet Isaiah tells them, that their lives like the moon, should be taken from them. "It is worthy of observation," says one authority that "neither of the terms by which the Hebrews designated the moon contains any reference to its office or essential character; they simply describe it in the accidental quality of color, signifying pale, yellow, white." The Romans used the half moon as a sign of honor which, called *lunati calci,* they wore on their shoes, and which were allowed to none but those who were nobles. The prophet, Mahomet, who appeared in A. D., 674, had an half moon on his ensign, which is still continued; and St. Lewis of France, in 1269, upon his expedition to Africa to honor and encourage his subjects instituted an order of knighthood called the Double Crescents—or half-moons.

(*To be continued.*)